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ESSAYS

BY

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PREFACE

THIS volume contains thirteen papers on Roman History which Prof. Pelham published at various times and in various places, together with three which he left in manuscript and which seem worthy of print. I regret very much that there has been some delay in its preparation. But that delay will perhaps show more clearly the reason for its publication. It is not meant simply as a memorial of a distinguished Oxford professor, which might merit a *succès d'estime*. It is a collection of papers which, though written for the most part several years ago, are nevertheless—so far as I can judge—still valuable and likely long to remain valuable to students of Roman History. They fill what would otherwise be void places in our English literature of the subject. They do not deserve to be sunk in that ocean of modern periodicals which is at once Chaos and Lethe.

They are arranged in consecutive chapters, following the chronological order of their subjects. Two short chapters refer to the history of the Republic: the rest of the volume deals with the Early Empire, and in particular with the home policy of Augustus (pp. 49–152), the frontier policy of the first two centuries (pp. 164–223), and some important agrarian questions (pp. 274 foll.). In preparing them for the press, I have introduced few serious changes. It is an editor's duty to let his author speak, and indeed these papers need in general no 'bringing up to date'. I have corrected a few definite errors

either silently or by footnotes between square brackets, have verified (as I believe) all the references, have added the paging of later editions of works quoted and similar details where it seemed desirable, and here and there have inserted a note or reference of my own. In addition, the Delegates of the Press have allowed me to furnish the chapter which treats of the German Limes with a new map of this important region. It will, I hope, both illustrate Prof. Pelham's paragraphs and will also help to meet the need of a proper map of this frontier which will be accessible to English students.

In verifying references I have received effective aid from Miss A. M. Clay (now Mrs. E. H. N. Wilde), formerly an Oxford student of ancient history under Prof. Pelham and collaborator with the late Dr. Greenidge in a volume of 'Sources for Roman History'. I have also to thank Sir Alfred Lyall for information relating to the Indian Salt-hedge noticed on p. 201, and Dr. T. Ashby, once a pupil of Prof. Pelham and now Director of the British School at Rome, for help in revising the chapter on discoveries at Rome.

Leave to reprint papers previously published has kindly been given by the Royal Historical Society, the Council of the Cumberland and Westmoreland Antiquarian and Archaeological Society, and Messrs. Longmans, Macmillan, Murray, and Nutt.

F. H.

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BIOGRAPHICAL NOTE

THE story of a scholar's life is almost always short and simple. His career is shut off from public or political activity: his fortunes are sheltered from dramatic incidents: his interests and ideals are those of a minority or of himself alone. The facts of his biography appeal only to the relatives and friends who remember him and the acquaintances who for a little while are curious concerning him. Yet a brief sketch of such a man may sometimes merit print and paper. It is not, indeed, necessary to-day, as in the sixteenth or seventeenth centuries, to preface the collected papers of a dead scholar by epigrams and panegyrics, which fulfil the functions of review and advertisement rather than of biography. But it may be worth while to set out to the world his achievements in widening the knowledge and improving the scientific methods of his age. Certainly the scholar whose life is described in the following paragraphs embodied a definite and perhaps even an unusual type of learned activity. However brief and inadequate, a sketch of him may have value, alike for professed scholars and for all who believe that learning has a practical value in the world.

Henry Francis Pelham sprang from a family whose members during several centuries have held frequent, honourable, and often very high office in English public life. His grandfather, Thomas Pelham, second Earl of Chichester, was a colleague of Pitt and Addington. His father, John Thomas Pelham, was Bishop of Norwich

from 1857 till 1893, and, as bishop, won distinction by his personal dignity, his courtesy and tolerance, and his administrative powers. He himself was born on September 19, 1846, at Bergh Apton in Norfolk, then his father's parish. He was sent to school, first with a Miss Hodgson in Brighton, then with the Rev. F. Storr in Kent: in May, 1860, he entered Harrow—thus varying from the older Westminster tradition of his family.

At Harrow he came in touch with two remarkable men. His Head Master was Butler (now Master of Trinity), who had just succeeded Vaughan: his house master was Westcott, afterwards Bishop of Durham, who set before himself and inspired in others the highest ideal of the student's vocation. Pelham was placed in the 'Second Shell'—that is, in the second of the divisions intervening between the Fourth and Fifth Forms. His progress up the school has been called meteoric. Coming out first in every examination, he reached the Sixth Form in January, 1862, and spent three years in it before leaving the school at Christmas, 1864. It was noted at the time that he cared more for history and literature than for composition or grammar, and it was perhaps a result of this preference that his work was reckoned by his teachers as sound rather than brilliant. It was noted, too, that he was tall and delicate-looking, as one who had overgrown his strength, and he made little mark in athletics. As a schoolboy he must have been in many points unlike his later self. The Master of Trinity, who has kindly sent me his recollections of the boy, writes thus:—

I have often said playfully to common friends that he was younger as a man than as a boy. As a boy he lives in my memory as grave and almost austere, with not a

touch of priggishness or anything strained and unnatural, but still showing little of the playfulness of boyhood. On the other hand, soon after he left us, and ever increasingly as the years went on, I was struck by a charming intermixture of liveliness, playfulness, and irony. As to character, I need hardly say that it was blameless, pure, and beautiful, and in work he always gave us his best. He had, as I suppose you know, the immense advantage of living in the Boarding House of Dr. Westcott, where, besides the influence, intellectual and spiritual, of that great master, he had for his companions a large number of unusually able boys.

At the end of 1864 he left Harrow, read for a while with a well-known scholar of the day, Pinder, at Rotherfield Greys, won an open classical scholarship at Trinity College, Oxford, and came into residence there in October, 1865. Here

he became at once a leading figure in both the social and the intellectual life. A man of the broadest sympathies, he was equally at home in the severer atmosphere of the Scholars' table and over 'the walnuts and the wine' of the Trinity Claret Club. He had largely developed in physique since his Harrow days and was now prominent in athletics. He played regularly in the College cricket eleven; he was no mean fives player and football player. I think, however, his favourite recreation was taking long walks, not merely to places of interest in the neighbourhood, but far afield to the White Horse or to the Chiltern beechwoods above High Wycombe. In 1868 I went on a reading party with him to Penmaenmawr—our coach, the present President of Corpus. One walk I recollect, on which especially we prided ourselves, from Capel Curig to Penmaenmawr, taking the summits Carneth Llewellyn and Carneth David on the way.

So writes one who knew him well alike at Harrow, at Oxford, and in later life, Mr. H. M. Lindsell, of the

Board of Education. At Oxford, Pelham won a First Class in Classical Moderations and in Literae Humaniores, the Chancellor's English Essay Prize, and in 1869 a Fellowship at Exeter College.

At Exeter he worked for twenty years as a Tutor, taking over from the Rev. C. W. Boase the teaching of ancient history. He understood the ways of undergraduates and was much liked by his pupils, but he took no prominent part in the management of the College. Within four years, indeed, in 1873, he married, and was thus at once removed from the inner circles of College life. According to the then College statutes, he lost by marriage his Fellowship and his seat on the governing body, and he ceased to reside within the College walls. But he retained his Tutorship; as Tutor, he was elected Proctor by his College in 1879; he was re-elected Fellow when a change in the College statutes allowed it, in 1882; and he remained Fellow and Tutor till his election to the Camden Chair in 1889. If he missed that peculiar experience of College life which comes to some men from residence and work in College during many years, he gained none the less a true and full insight into the character of the College system.

Nevertheless, Exeter probably influenced him powerfully in a direction which was not collegiate. In the Exeter Common Room he met a splendid company of scholars. Bywater, the great Aristotelian and profound student of Renaissance scholarship and literature; Tozer, explorer of European Greece; William Ramsay, explorer of Asia Minor and epigraphist; Boase, most learned of modern historians; Ray Lankester; Sanday; were all at one time or another his colleagues. These were men of great powers and high

ideals: they counted among the ablest scholars of their day in England and in Europe. As Tutors they served their College well. But their outlook went beyond the needs of one College to those of the whole University and beyond the needs of teaching to those of learning and of research. They desired that Oxford should not merely popularize knowledge and conduct the necessary round of examinations, but should definitely encourage scientific inquiry and advance true learning. They belonged rather to the school of Mark Pattison than to that of Jowett. Pelham was a worthy colleague of such men, and it is certain that their aims and their influence aided and directed his own development. Here he came in contact with the most recent work of foreign research. Here he learnt the meaning of the word 'scholarship' and the lofty standard which befits a scholar. Here, thirdly, he took firm hold of the ideals proper to a University as a home of scientific knowledge and inquiry.

Indeed, he speedily burst the bounds of College life. He began soon to publish occasional articles on problems of Roman History. In 1886, in particular, he contributed to the *Encyclopaedia Britannica* a long monograph on Roman History, which was at once recognized as a masterly and original sketch of the subject, and which in 1893 he expanded into a remarkable volume, the *Outlines of Roman History*. Still more, he was one of the first of those inter-collegiate lecturers whose pupils are limited to no one College, and who attract so large a body of hearers and deliver such authoritative and commanding lectures that, in this respect, they are the untitled equals—or even superiors—of the Professors. By 1882 Pelham was filling Exeter College Hall—no com-

fortable lecture-room, as it then seemed to me—week after week with crowded audiences anxious to hear him discussing Greek and Roman history. In 1887, when the Readership in Ancient History fell vacant, he was appointed Reader, and when in 1889 Canon Rawlinson closed his undistinguished tenure of the Camden Professorship of Ancient History, Pelham, now aged forty-three, was called, *per consensum universorum*, to succeed.

He held the Camden Professorship till his death on February 12, 1907, lecturing regularly to audiences even larger than before. He had dropped his Greek history courses about 1886, and as Professor he confined himself to Roman history, and in particular to the Roman Empire. He gave usually three principal courses in the year. In the summer he treated the constitutional history of the Roman Republic: in the autumn he passed on to the constitution and general history of the Roman Empire: in the early spring he took sometimes the Flavian Emperors or Trajan or even later rulers, sometimes more special subjects—the municipal system, for example, or the history of the 'colonate' tenure of land in the Roman provinces. The summer and autumn courses were intended mainly for undergraduates about to take the Oxford Honours examinations, and, though carefully revised, corrected, abridged, expanded in details, they probably differed little from year to year. The character and the object of the spring lectures varied widely. The method of lecturing was always much the same, that of a discourse delivered from full notes and enunciated somewhat slowly in well-shaped sentences. Two merits were apparent throughout—an excellent though austere English style, including a singularly apt diction, and a direct and lucid order of logical

sequence. If there was in these, as in almost all good University lectures all the world over, an element of dictation, there was also an element of distinction, and the faults of conversation and the faults of rhetoric were alike avoided. Possibly, indeed, these faults were too severely shunned and personal touches and incidental comments were too rigorously excluded. Some certainly who heard Pelham speak on occasion without notes recognized in his unprepared sentences a keener fire and a more personal force than he cared to reveal in his set lectures. But no small criticisms can alter the final judgement that he ranked amongst the finest teachers of modern Oxford.

Besides lecturing, he used his professorial position to aid and encourage serious students of Roman history. His rooms were always open to their visits. He even gave up to them portions of holidays spent, it may be, in Rome or on the Roman Wall in Cumberland. Not a few who are now working on ancient history, in Oxford or elsewhere, owe much of their success to his advice and help. But he went further than these personal and, in their very nature, accidental services. Whenever occasion allowed, he set himself to organize endowments or institutions for the systematic assistance of young students. Thus he joined in promoting reforms by which various Oxford Scholarships or prizes, hitherto the prey of chance undergraduate effort, became encouragements to higher study. Thus, again, he helped to found the British School at Athens, and in 1899 he headed a movement to establish a British School at Rome which should help young English archaeologists or architects or archivists to study in Italy as the British School at Athens had helped men to work in Greece.

The school was opened in 1901 with rooms in the Palazzo Odescalchi: as Chairman of its Committee, Mr. Pelham guided its first steps aright, and at his death he left its success incomplete indeed but practically assured. The Pelham Studentship at the school, which his friends have since founded in his memory, is not only a due honour to the dead but a continuation of his work on his own lines.

Beyond the teaching of ordinary students and the training of future teachers, the work of a University Professor seems to include the prosecution of independent research in the subjects of his Chair. Pelham wrote little. But, before he became Professor, he had published enough to show that he was capable of first-rate original work. Had circumstances permitted, we cannot doubt that he would have taken rank as a valuable, if not a prolific, writer on Roman history. His *Outlines of Roman History*, to which allusion has been made above, is not only the best existing summary of Roman development from the earliest days to the end of the Western Empire; it also conceals in its unassuming chapters some real contributions to our knowledge of Roman History. Other, shorter articles, mostly reprinted in the following pages, contain more obvious pieces of detailed research which seem worthy of collection in one whole.

These represent his performance, but not his desire. In 1887 he planned and actually began a large 'History of the Roman Empire'. A specimen section was set up in type at the Clarendon Press in 1888, and after his death three and a half chapters, dealing with the life and work of Augustus during the years 35–15 B.C., were found among his papers more or less ready for the printer. He seems to have written them about 1887–90

and never to have revised them again. Of two of these chapters the substance was incorporated by himself in his *Outlines*. The third and by far the longest, which, though written long ago, is by no means out of date, is now published (pp. 88–151); it both illustrates his intentions and, I think, fills a gap in our English works on Augustus. The fourth chapter seems to be both incomplete and of less importance than the rest. He had indeed to put aside his plan, before it was well started. Soon after 1890 a cataract began to cloud his eyes, and serious and intricate bookwork was necessarily laid aside. He never, indeed, gave up the scheme: to the last he hoped and spoke as one who believed in his hope. But, though a successful operation ultimately restored him most of his eyesight, he was not able to resume the active prosecution of his plan. The task which he had undertaken was in itself extraordinarily difficult, and the progress of archaeological discovery was making it harder year by year. It was no disgrace to falter where Mommsen feared to tread. If his greater German contemporary had to leave one single chapter of his fourth volume with the motto

> Gerne hätt' ich fortgeschrieben,
> Aber es ist liegen blieben,

we shall regret, but we shall not blame the Oxford scholar because he achieved little.

The present volume appeals to students of ancient history, and this sketch aims principally at describing a Roman historian. It may be allowable, after a recital of facts, to sum up their meaning and to estimate the value of Pelham's life to the study which he had most at heart. The period during which he worked was critical. At the time when he was an undergraduate and a young

Tutor, ancient history, and, in particular, Roman history, was passing through that Renaissance which we owe to Theodor Mommsen. The great works of that great scholar had been for some years appearing in rapid succession. The *Römische Geschichte* was completed in 1856 and Englished in 1858: the *Corpus of Latin Inscriptions* began to be published in 1863: the first volume of the *Staatsrecht* came out while Pelham was reading for his Final Honour School in 1871, and each volume meant not only an advance in knowledge but an improvement in method. Englishmen took up the new learning slowly. It lay outside the limits of the then Camden Professor: it was hardly congenial to prominent writers like Freeman. Three Oxford men, all of them College Tutors and all distinguished teachers, carried through the revolution in Roman history—Pelham, Strachan-Davidson (now Master of Balliol), who was two or three years his senior, and Warde Fowler, a year his junior. They were helped by others—by those who soon after placed our study of Greek history on a more scientific basis, and by those who in many departments of human knowledge were now setting up higher ideals and bringing in better methods. But the development in ancient and in Roman historical study was peculiarly due to the three men named, and among them not least to Pelham. The audiences who thronged Exeter College Hall, or, in later times, the makeshift lecture-rooms of the Examination Schools, included the great majority of those who studied ancient history in Oxford. Through these audiences a better conception of scientific accuracy and method has passed into historical teaching and writing up and down our country, and the subject-matter of Roman history has come to be understood and expounded more intelligently and intelligibly.

Pelham not only helped to introduce the new learning: he did much to widen it yet more. In particular, he helped to introduce Geography and Archaeology. To him, as much as to any one man, is due the origin of our School of Geography and the inclusion of Geography among the subjects which every true teacher of ancient history must emphasize. To him, too, in combination with Arthur Evans, is largely due the development of the Ashmolean Museum and the foundation of the gallery of sculpture-casts which others have so well continued. He found time, again, to notice the local archaeology of Roman Britain. In the long list of men who have held the Chair founded in 1622 by William Camden, he is not only the most distinguished historian; he is the first who gave even a thought to the studies which Camden made his own.

In all this activity the central mainspring seems to be not so much discovery as organization. Pelham had the capacity and instinct for original work. But he combined with it an equal capacity and a stronger instinct for organization. This instinct was doubtless strengthened in the last fifteen years of his life by the defective eyesight which cut him off from detailed research. But from the first it was his dominant instinct. This gave him his special value to his generation. For the spread of humane culture and the progress of education, it is needful that somewhere, however far in the background, students should be seeking for new knowledge in various forms of research. But the encouragement of such research is not easy. Many true friends of education are afraid of it, thinking that erudition kills culture and forgetting that without such a basis education and culture alike become hollow and unreal. Even in

a University not every teacher is equally alive to its value or equally able to judge of its requirements. At the best, the world has mostly to choose between scholars who are unpractical and organizers who do not understand the interests of scholarship. In all that concerned history, Pelham was both scholar and organizer. His own intellectual outlook, strengthened by his Exeter influences, told him that learning was indispensable to this as to every country, and that a University was a proper place for research. His practical organizing sense told him that learning must be organized on practical lines. His teaching and writing were largely concerned with the due organization of knowledge, the proper, logical arrangement of ascertained but somewhat incoherent facts. His administrative activity was still more obviously applied to the same ends.

In turn, this practical capacity gave a special tone to his written work. He was able to discuss problems of ancient history—whether the problem was constitutional or military or agrarian or anything else—in the light of modern parallels. In so doing he did not waste his efforts over generalizations, but adduced definite instances of agreement or difference. Beside the Roman Pfahlgraben he placed the Indian salt-hedge—a boundary at the present day little known even to Anglo-Indians: beside the Italian *pascua* of the Roman period he set the pasturage system of more modern Apulia (below, pp. 201, 311, 323). He realized the customs and systems of the ancient world as living organizations which must have their parallels among the men of to-day. He handled them, not as schemes on paper, but as equally real with the arrangements of present everyday life.

Such a man could not be merely a Professor of History or limit his administrative powers to one or two subjects. On all sides he was quickly recognized as a peculiarly clearsighted and judicious adviser: his counsel was sought even by men who differed widely from him and on matters unconnected with the interests of learning. Naturally and necessarily he took full share in University business and served unflinchingly on Boards and Committees. He sat in the Hebdomadal Council—with two brief intervals—from 1879 till 1905; he was concerned long and prominently with the government of the Bodleian Library, the Ashmolean Museum and University Galleries, the Common University Fund, the School of Geography, and one or two other institutions. In University politics he took a corresponding part. He set before himself three objects—to strengthen the University as a home of scientific and learned research in all subjects just as much as in ancient history; to widen and increase its studies; to open its doors to new students. Towards these aims he worked in many ways. Natural Science, Modern Languages, and English had in him a powerful champion in their long struggles for recognition or for fuller encouragement. The cause of women's education found in him a leader. He promoted or supported proposals—which were in due course accepted—to admit women to our lectures and examinations; and he desired their admission to University degrees. He personally aided Somerville College in many ways, as a member of its original Committee in 1879, as its President from 1894 till his death, and as occasional tutor of some of its best students. He worked for other reforms, and not least for reforms in University and College finance, urging often that College revenues

might well be used for University purposes, and the policy which he supported has since been followed freely, if unsystematically, by many Colleges. He was himself no enemy of the College system. He knew it well, for good and for evil, and he felt little sympathy with plans to break it up or to change radically its tutorial method. In such plans he saw little gain to Oxford learning or to Oxford education.

In 1897, when Dr. Woods, now Master of the Temple, resigned the Presidency of Trinity College, the Fellows unanimously called on Pelham to accept the vacant post. For ten years, until his death, he carried on, in addition to his Professorship, the many and diverse duties of the Head of an Oxford College. His reign was as successful as his best friends expected. He found Trinity prosperous: he left it even more prosperous. Probably the greatest element in his success was his sympathy with undergraduates: it was a dignified sympathy, involving neither concession nor condescension, but genuinely cordial and straightforward. As a member of the College wrote at the time of his death—

He felt the keenest interest in all sides of our corporate life, with an almost instinctive knowledge of the tastes and peculiarities of individuals. No special element in the College, except perhaps the various developments of the Mission at Stratford, was encouraged above others; but every man could be sure that he was understood and treated as a friend. The personal relationship between him and those admitted under his Presidency was not confined to the three or four years of Oxford life. His frequent hospitality in the President's Lodgings or in the Hall on Sundays was to many men the chief charm of a visit to the College, while among elder generations one would have reckoned his contemporaries at any impossible number if one had judged by his cordiality with them (*Oxford Magazine*, Feb. 20, 1907).

His activity spread into wider fields. As an active and attentive Governor of Harrow and of one or two lesser schools; as a strong Liberal who never qualified that title by any epithet or substitute and who long presided over the Oxford City Liberal Association; as a friend not only of the Trinity College Mission in East London but of much missionary enterprise elsewhere, he took his share in education, politics, philanthropy; once, after the death of Queen Victoria, he gave an address, layman though he was, to the Trinity undergraduates in their College Chapel.

It was said by one who regretted the unwritten 'History of the Roman Empire' that administrative interests had swallowed up the time and vigour which might have gone to research. It is, no doubt, a common experience that men, as they grow older, pass from theoretical to practical interests, from the pursuit of knowledge to the management of affairs. But that was not quite the case with Pelham. The man was consistent throughout. Had his eyesight allowed, he would have written more and administered less. But both in his intellectual and his practical work he would have remained what he really was, an administrator who had the scholar's control of research. For the dominant feature in his character was a direct and powerful common sense, vigorous alike in its manliness, its intellectual force, and its logical coherence. He was the same in research, in teaching, in business, in society. Whatever the problem, he chose with rapid judgement its central point, moved directly upon it, grouped round it all pertinent details, and set forth an ordered whole in plain forcible diction. For adornment he cared little; it wasted time and obscured the meaning. His direct-

ness showed now and again a touch of aristocratic impatience, intelligible enough in a man of his ancestry and attainments. Opposition pleased him even less than it pleases most men; sometimes it provoked him to overrate his own case. But in his common sense he had his own remedy against this. His clear vision showed him not only what was desirable but what was possible, and if he was occasionally intolerant, he was more often conciliatory.

The logic and the directness were only half the man. To these austere virtues he added qualities more commonly found in other alliance. For, as his Trinity undergraduates recognized with sure instinct, he had a warm and ready sympathy, a deep and loyal affection for his friends, an unselfish readiness to help all who needed his aid. He had, too, a genial sense of human life, a quick perception of its humorous side, a friendly smile, and a firm handgrip. When on the morning of his funeral a long procession set out from Trinity—in front the University Marshal striking the funeral knell in ancient fashion from the bell which he carried—those who marched in it were not only scholars or officials honouring a dead colleague, but men of all kinds gathered from many parts of England to the burial of a man and a friend.

On his domestic life this sketch does not intrude. It will be enough to note the plain facts—that in 1873 he married Laura, daughter of the late Sir Edward North Buxton, that his married happiness ended only with his life, and that five children were born of the marriage, a son and a daughter who died young and two sons and a daughter who survived him. It may be allowed to add that his private life was consistent with

his character and his public activity. The hospitality exercised by him and his wife has been called a model of what academic hospitality should be. It was a model especially in its union of straightforward simplicity with straightforward friendliness. The man whom I have tried to describe was true to himself alike in small things and in great.[1]

F. H.

[1] Pelham possessed an excellent library of works on Roman history and archaeology. This has been presented by Mrs. Pelham to Brasenose College, of which the Camden Professor is by statute a Fellow, and it is the wish of the College Librarian, so far as funds and space allow, to develop this gift into a working library for students, and especially advanced students, of Roman History. Should this prove possible, the library at Brasenose will be a valuable aid to many workers, and will, like the Studentship at Rome above mentioned, continue Pelham's work on his own lines and in his own spirit.

I

THE ROMAN CURIAE[1]

In theorizing upon the structure and growth of primitive societies we are too apt to regard their early history as one merely of continuous expansion and consolidation. The family is represented as expanding into the clan, the clan into the tribe, and from a union of tribes results the State.[2] We will not here discuss the question whether this order of succession is the true one—or whether the respective positions of 'clan' and 'family' ought not to be inverted. But it is important to remember that there is another side to the picture, and other factors to be taken into account. We have first of all the momentous change from a migratory to a settled life, and this by itself seems to have formed a new point of departure in the development of the community. The homestead, the village, and the city, as well as the township and canton, are divisions which arise out of the conditions of settled life, and which constantly tended to cross and even ultimately to obliterate in the same society the older grouping by clan and tribe. But further, this settling down of a clan or people almost necessarily implied conquest; for the new homes had to be won by the sword before they could be enjoyed.

In early tradition and history, migration and conquest are phenomena which constantly recur. *Φαίνεται γὰρ ἡ νῦν Ἑλλὰς καλουμένη*, says Thucydides in a familiar passage,[3] *οὐ πάλαι βεβαίως οἰκουμένη, ἀλλὰ μεταναστάσεις τε οὖσαι τὰ*

[1] [Journal of Philology, vol. ix (1880), pp. 266–79.]

[2] Lange, Röm. Alterth. i. passim; Maine, Anct. Law, p. 128; Cox, General Hist. of Greece, p. 11.

[3] Thuc. 1. 2.

πρότερα καὶ ῥᾳδίως ἕκαστοι τὴν ἑαυτῶν ἀπολείποντες βιαζόμενοι ὑπό τινων ἀεὶ πλειόνων.

And what Thucydides says of Greece applies with at least equal force to ancient Italy. Wave after wave of peoples rolled down the central chain of the Apennines and overflowed into the coastlands of Latium to the west, and into Apulia and Lucania to the south. The institution of the 'ver sacrum'[1] points back to a state of things in which migration and conquest were continually leading to the formation of new peoples and societies.

And on conquest followed the allotment of the conquered land among the victorious host. It did so as we know in the cases of the Saxon invaders of England and of the Jews in Palestine. In Greece, remembering how ubiquitous are the traditions of conquest, we may with great probability see, in the use of κλῆρος for a private 'lot' of land, a surviving trace of the accompanying allotment, even though the practice of dividing land by lot must be traced back to a more remote antiquity.[2] M. de Laveleye[3] has with great ingenuity interpreted the classical traditions of an originally equal distribution of land as faint recollections of the equal share of the land of the commune, anciently enjoyed by each of its members. But in two instances at least, the tradition connects itself more easily and naturally with the equal division of conquered territory among the conquerors. In Laconia, where Lycurgus was believed to have distributed the land in equal portions among the Spartiatai, it is difficult to mistake the history of the belief. Laconia had been

[1] Nissen, Templum, 154 sqq; cf. Varro, Re Rust. 3. 16, 29; Festus 158.

[2] It is worth noticing that according to some philologists δῆμος (δα- δε- to divide)='ager divisus'. Vaniček, Griech.-Lat. Etym. Wörterb. i. 323.

[3] Primitive Property, chap. 10. He has not however distinguished with sufficient clearness between the traditions of an equal distribution of land in separate lots, and the possibly older ones of a time when the land was not divided into lots at all, e.g. in Virgil, Georg. 1. 125. Nor did allotment of land after conquest exclude the communal system—as will be seen below. Cf. also Stubbs, Const. Hist. of England, ed. 1874, i. 71 sqq.

gradually won at the sword's point: each fresh accession of territory was probably followed, as we are told was the case when Messenia was won,[1] by the creation of a number of κλῆροι, presumably equal in size. In time the whole land would have been thus parcelled out. Gradually, the separate holdings would accumulate in a few hands—some persons would have many lots, some not one; but, as in Italy, an original κλῆρος might still remain distinguished by its ancient boundaries, and possibly by the name of its ancient possessor, even after it had been merged with others in a single estate. Such surviving κλῆροι were rightly interpreted as relics of an ancient equal distribution of the land; the fact that this distribution had been a gradual work was forgotten, and it was characteristically represented as a work carried through at one time and by a single legislator. Similarly the Roman antiquarians of the first and second centuries before Christ found all around them like traces of allotments of land in equal shares, and drew the same inference from them. The settlement by the Tiber of warriors from the Sabine hills underlies all the various forms in which the story of the beginnings of the Roman State is told; it is, so to speak, the decisive 'moment' in its early history. The land of the State is 'land taken from an enemy',[2] the symbol of proprietary right in the land is the spear.[3] The private estate is the 'lot'[4] ('sors'). When therefore we are told by Varro[5] that Romulus at the first allotted to each man two 'iugera', we need not suppose that this was merely an illusory inference from later practice. It is at least as likely that the practice of allotting conquered land, which Rome pursued with such regularity in historical times, had its origin far back in prehistoric anti-

[1] Plut. Lyc. 8.

[2] Pomp. Dig. 49. 15. 20 'publicatur . . . ille ager, qui ex hostibus captus est'; cf. the form of 'deditio,' Livy 1. 38.

[3] Gaius 4. 16 'festuca . . . utebantur quasi hastae loco, signo quodam iusti dominii: quod maxime sua esse credebant quae ex hostibus cepissent.'

[4] Festus 297.

[5] Varro, Re Rust. 1. 10.

quity, and that in conformity with an ancient usage, by no means peculiar even to Italy, the Sabine warriors divided among themselves the lands they had won by the Tiber. Taken apart from a preceding conquest such an allotment is as incredible as it is credible when regarded as following immediately upon it, and we must remember that in better known cases,[1] it is the warriors who have effected the conquest who primarily benefit by the allotment. The division of the land follows the divisions of the host, and the warrior and his descendants are bound as holders of land won by the sword to render military service in return.

Starting then with a conquest and an allotment, as constituting a decisive epoch in the earliest history of the Roman people, let us pass to the consideration of the 'curia', the immediate subject of this paper. We cannot claim for it the high antiquity which belongs to the 'gens'. It is not Graeco-Italic—it does not apparently carry any idea of blood relationship, and it is by common consent classed among the artificial, and not among the natural, divisions of society. So far, however, as we can get at all behind the fact of its existence as a division of the Roman citizen body, we are led to connect it with the Sabine invaders. The goddess worshipped in the chapels of the curiae was Juno Curitis,[2] whose Sabine affinities are tolerably plain.[3] Almost as closely connected with the 'curiae' was the certainly Sabine Quirinus.[4] The 'curia' then may have been known as a division among the Sabines, and by them transferred to Rome. We notice next that it wears the appearance in Rome of a division primarily military. It is only to a division of the people assembled for war that much in the traditional accounts of the curia is applicable.[5] It is the host of the patrician Quirites, the

[1] Stubbs, Const. Hist. of Eng. i. pp. 71 sqq.

[2] Dionys. 2. 50.

[3] Preller, Röm. Myth. 248.

[4] Varro, L. L. 6. 13; Festus 254.

[5] Plut. Rom. 13 *κτισθείσης δὲ τῆς πόλεως, πρῶτον μέν... εἰς συντάγματα στρατιωτικὰ διεῖλεν.*

organization of which Dionysius describes in the seventh chapter of his second book. We have first of all the three tribes, the leaders of which were the χιλίαρχοι, the 'captains of thousands' (cf. Varro, L. L. 5. 89 'trium milium primo legio fiebat, ac singulae tribus . . . milia singula mittebant'). The tribe was then subdivided into ten curiae, and for 'curia' here Dionysius gives as an equivalent not only his usual φράτρα but also the military λόχος. At the head of each curia was a λοχαγός, and finally the curia was subdivided into δεκάδες, the obvious equivalent for 'decuria', the company of 'ten' which so frequently appears as the military unit, elsewhere than in Rome.[1] Here then we have the primitive host with its tribes, curies and decuries, its captains of thousands, of hundreds, and of tens, the traces of which are still dimly visible in the later so-called Servian system.[2]

The 'curia' then, whatever its previous history may have been, was simply a division of Sabine warriors, when it was first brought to Rome. But at this point the conquest and the allotment of the conquered territory step in to give it new significance. We are told that, when the Saxon leader proceeded to divide the land he had won, he found the principle of this allotment in the organization of his host. 'That host was the people in arms, divided into hundreds of warriors'—'when the war was over the host became again the people: the hundreds of warriors would require a territory in the new land,' and this when allotted to them they would subdivide according to the divisions of the kindreds.[3] The same high authority comes elsewhere to the conclusion[4] 'that under the name of geographical hundreds we have the variously-sized districts in which the hundred warriors settled.' So we may suppose that in Rome the divisions of the host governed the division of the territory. Thus it is that the 'curia' appears in our authorities, as a territorial as well as a military division.

[1] Stubbs, Const. Hist. Eng. i. 86, note.
[2] Mommsen, Röm. Tribus, 138.
[3] Stubbs, Const. Hist. Eng. i. 71.
[4] Ibid. i. 98.

Cf. Dionys. 2. 7 διελὼν τὴν γῆν εἰς τριάκοντα κλήρους ἴσους ἑκάστῃ φράτρᾳ κλῆρον ἀπεδωκεν ἕνα, Varro, L. L. 5. 55 'ager Romanus primum divisus in partes tres a quo tribus appellata'; Fest. 285 'quo ritu condantur urbes . . . quo iure portae, quo modo tribus, curiae, centuriae distribuantur.'

We know further, that in later times, by the Roman method of allotment,[1] the lots were not directly assigned to individual recipients, but the whole territory to be dealt with was first broken up into 'centuriae', usually of the legitimate size of 200 jugera; the recipients were then similarly divided into groups, varying in number according to the size of the individual lots, and the consequent number of lots into which the centuria was divisible, so that if lots were to be 20 jugera, each group would consist of 10 men. The 'centuriae' were then allotted to these groups, and finally came the partition of the 'centuria' among the members of the group to whose share it had fallen. These joint holders of a 'centuria' were said to be 'consortes', and the land they shared a 'consortium'.[2] It is tempting to see in this allotment by groups a survival of the times when allotment followed on conquest, and the allottees were the warriors of the host whose military grouping, with its close ties of comradeship and probably of kinship also, was thus retained under their new circumstances. And the supposition is rendered more probable by the military associations connected with the business of 'assignatio': associations which are almost certainly older than the military colonies of the empire. (Cf. Agrim. 2. 356, ed. Lachmann.)

We may conceive then the 'curiae' of warriors settled down as groups of 'consortes' on the conquered land, like the Saxon 'hundreds' in England. That in addition to the separate lots ('haeredia') of the individual members each 'curia' received also a certain amount of 'common land'

[1] Agrimensores (ed. Lachmann), 2. 367.

[2] Ibid. 2. 367, the boundary marks which the 'consortes' set up between their 'sortes' were 'consortales lineae'. See ibid. 1. 211.

may be assumed with safety, but we need not pledge ourselves to the conjecture, attractive as it is, that each warrior's lot consisted of the traditional two jugera and each curia of 100 warriors (Varro, Re Rust. 1. 10), giving for the private, as distinct from the common land of the curia, a 'centuria' of 200 jugera. (Cf. Dionys. 2. 7; Buhl, Agrar. Frage, p. 9; Schwegler, R. G. i. 617.) The name borne by the territorial curia would be determined in various ways, in some cases by that of the district in which it was situated (cf. Plut. Rom. 20 πολλαὶ γὰρ ἔχουσιν ἀπὸ χωρίων τὰς προσηγορίας, e.g. Foriensis, Veliensis, Fest. 174), and in others perhaps by that of the clan most largely represented among its members. (Dionys. 2. 47 ἀπ' ἀνδρῶν ληφθέντα ἡγεμόνων, e.g. Faucia, Livy ix. 38.)

That the 'consortes' of the curia under its new aspect should form a corporation is what every student of classical antiquity at least would expect, and there is abundant evidence that this was the case. Each curia had its own 'headman' (curio), its own common hearth and hall, its chapel with priests (flamines) and 'sacra' situated apparently on the healthier and safer ground above the river, while on the slope of the Palatine stood a sanctuary common to them all, in which they met for common worship and to celebrate their common festivals (Varro, L. L. 5. 85, 155; Fest. 62, 64; Dionys. 2. 23, 65; Becker, R. Alt. ii. 1, pp. 33, 34). Such traces of this corporate existence of the territorial curia as survived in later times illustrate aptly enough its agrarian character. The religious arrangements which Dionysius observed in the curial chapels point to the simple rustic worship of husbandmen. 'I wondered,' he says (2. 23) 'to see banquets spread for the gods on primitive wooden tables ('curiales mensae,' Fest. 64[1]) in baskets of reeds or in earthen trenchers.' And the offerings were equally simple. 'Cakes of meal, fruits of the earth,' and 'other such plain and in-

[1] These τράπεζαι or 'mensae' both in Greece and Italy preceded the regular altars.

expensive things'. It is noticeable too that the festival which in Ovid's time was still intimately connected with the 'curiae' was of the same agrarian type. At the Fornacalia the early occupiers of the 'curia' celebrated the first enjoyment of the last year's crops, and invoked a blessing on those of the year to come (cf. Ovid, Fast. 2. 511 sqq.; Plin. H. N. 18. 2; Fest. 83, 93), and a similarly agricultural character belonged to another festival connected with them, the 'Fordicidia' (Varro, L. L. 6. 15 'eo die publice immolantur boves praegnantes in curiis complures'; Preller, Röm. Myth. 406).

But we have still another aspect of the curia to notice. In primitive societies, there is a close connexion between military service and political rights,[1] and with both is commonly joined the possession of land. If the host was usually nothing but the people in arms, the people assembled for political purposes was in fact the host. Hence the same division by which the Roman army was organized, and the 'ager Romanus' divided, was that also by which the citizens voted in their 'comitia', and just as the later assembly of the people by their centuries was the 'exercitus',[2] so the older assembly by curies simply reproduced the military divisions of an earlier time.

Thus the 'curia' was at once a military, a territorial, and a political division of the 'populus Romanus Quiritium',—and the intimate connexion between these three aspects is shown by the fact that the system of tribes and centuries which succeeded to it brought with it a threefold change. It involved, that is to say, a fresh division of the Roman territory, a reorganization of the Roman army, and a reconstitution of the Roman assembly.[3]

The connexion of the curia with the gens has been unnecessarily complicated by Niebuhr's identification of the gentes with the δεκάδες of Dionysius, and since his time the 'curia'

[1] Schwegler, R. G. i. 496.
[2] Varro, L. L. 6. 88. 93. 95.
[3] Mommsen, R. Tribus, cap. ii.

has been very commonly regarded as an association of gentes.[1] But Niebuhr's hypothesis loses its last element of probability if we reject, as is now generally and rightly done, his view of the Roman 'gens' as a purely artificial institution, such as the δεκάδες certainly were. The truth seems to be that all members of a curia were members of some gens, and both in the host and in their allotted districts may have grouped themselves, as the Saxon warriors did, by their kindreds. But there is not the slightest evidence to support the view that the 'gens' was a recognized subdivision of the curia in any one of its three aspects, or to preclude the supposition that the members of one and the same gens might belong to different curiae. Had the 'gens' been really taken as the lowest official subdivision of the people, it would almost certainly have figured at least in the political assembly; but in the 'comitia curiata', so far as we know, no lower group than the 'curia' was recognized, and within each 'curia' the votes seem to have been taken not by 'gentes' but 'viritim'. Lastly, if, as Niebuhr assumes, the 'gens' was merely a subdivision of the curia, differing from it in degree, but not in kind, it is difficult to understand why the 'sacra' of the former should have been treated as 'privata', and those of the 'curia' as 'publica'.[2]

The etymology of 'curia' would seem to be still an open question. Even the old Varronian derivation from 'cura,' 'curare,'[3] has at least one modern adherent (Genz, Patric. Rom. p. 32), and apart from this, we are left to a choice between three explanations of the word, each of which has good authority in its favour, while none of them interferes with our theory of the institution.

If, with Mommsen, we take 'curia' as = 'co-viria' (cf.

[1] Niebuhr, Rom. H. i. 315 sqq.; Schwegler, R. G. i. 612; Becker, R. Alt. ii. 1. 35.

[2] Varro, L. L. 6. 46 'ubi cura sacrorum publica'; Fest. 245 'publica sacra... quaeque pro montibus, pagis, curiis, sacellis... privata quae pro singulis hominibus, gentibus fiunt'; Dionys. 2. 65.

[3] Varro, L. L. 5. 155.

decuria, centuria; Oscan 'vereia' = viria. Mommsen, Unterit. Dial. 258; Schwegler, R. G. i. 496. 610; Pott, Et. F. ii. 493), i.e. 'a company,' or with Becker, as derived from 'curis', and meaning therefore 'a body of spearmen' (Becker, Röm. Alt. ii. 1. 32. Cf. Preller, Röm. Myth. 248), the term is equally applicable to what we conceive to have been the primary application of 'curia', viz. to the divisions of the Sabine host. But it is quite possible that, to go further back still, 'curia' may have had among the Sabines an earlier meaning. It may have meant, first, the 'house', and then the 'house-contingent' in the host, and this would suit Corssen's derivation of the word, from a root 'skŭ' meaning to 'cover' (Corssen, Vokal. u. Betonung, curia = (1) Haus, (2) Gemeindehaus; so (3) Genossenschaft). Philological soundness apart, historical probability is on the whole most favourable to a connexion between 'curia' and 'curis', 'Quirites' ('Curetes'). Quirinus and Juno Curitis, or as the name is given on one inscription at least, 'Quiritis' (Garrucci, Syll. Inscr. Lat. 837), were the two deities specially connected with the 'curiae' (for Quirinus see Varro, L. L. 6. 13; Fest. 254; for Juno Curitis, Dionys. H. 2. 50; Fest. 64). Both were represented as warlike divinities, and with both the warlike symbol of the spear was connected. (Cf. Fest. 49; Ovid, Fast. 2. 475; Plut. Quaest. R. 87 Ἥρας δὲ ἱερὸν τὸ δόρυ νενόμισται καὶ τῶν ἀγαλμάτων αὐτῆς δόρατι στηρίζεται τὰ πλεῖστα καὶ Κυρῖτις ἡ θεὸς ἐπωνόμασται; ibid. Rom. 29; Fest. 254 'Cui bellantes aqua et vino libabant'; Serv. Aen. 1. 17 'Sic autem esse in sacris Tiburtibus constat, ubi sic precantur, "Iuno curitis tuo curru clypeoque tuere meos *curiae* vernulas."') That the spear, as the sacred symbol of the war-god, should give a name to a people, or a division of a people, is probable enough. It was itself an object of worship (possibly before it was lowered to the rank of a symbol, cf. Plut. Rom. 29), as were also the sacred animals of Mars, the woodpecker and the wolf. And as we have Picentes and Hirpini, the 'woodpecker tribe', and the 'wolf-tribe', as well

as the Marsi, 'the children of Mars himself,' so the 'Quirites' may have been the 'spear tribe', and 'curia', a 'guild of the spear'. (Schwegler, i. 496, derives 'Quirites' from 'curia' = 'die in curien gegliederten'. Cf. Pott, Et. Forsch. ii. 58, 533; Becker, R. Alt. ii. 1. 25.)

That the original members of the 'curia' were patricians, that is to say, the warriors of the conquering host, is generally allowed, but it is certain that before Ovid's time plebeians had in some form or other gained admission to these corporations. A plebeian was elected for the first time to the office of 'curio maximus' in 209 B.C., 545 A.U.C. (Livy, 27. 8), and in Ovid's account of the curial festival of the Fornacalia the plebs play a prominent part. (Fasti, 2. 511, sqq.) The question how and when this admission of plebeians took place has been a vexed one, but in the light of the view of the 'curia' given above it seems capable of solution. There is no necessity to assume with Mommsen[1] that plebeians were ever admitted into the 'curiae', regarded as divisions either of the primitive host, or of the primitive political assembly. But from the time of the so-called Servian reform the curia ceased to be a military division altogether, and the political functions of the 'curiae' became purely formal. It still however continued to be a territorial division, the curial chapels remained, and the curial rites and festivals were still celebrated. The districts originally assigned to the warriors of the curiae were probably gradually included, like the old pagi, within the area of the growing city. As membership in a curia ceased to carry with it any military or political duties and rights, plebeians resident within the limits of the old curial districts would come to regard themselves as members of the curia, and would take their part in the 'sacra', which had no doubt lost all interest for the original patrician members. The boundaries of the different curiae were naturally gradually obscured by the spreading buildings which covered their ancient lands, but the recollection of

[1] Mommsen. Röm. Forsch. i. pp. 167, sqq.

them would be kept alive by the separate curial chapels and their peculiar rites.

The election of a plebeian Curio Maximus in 209 B.C. may be taken as an indication that the 'curiae' were then fast becoming merely shadowy divisions of the city territory, whose only *raison d'être* was their connexion with certain ancient worships, and in which the 'plebs urbana' was mainly, if not as yet exclusively, interested. In Ovid's time it is clear that both the 'curiae' and their festivals had become the special property of the city populace. The old agrarian Festival of the Fornacalia had become a holyday of the poorer townsfolk. The 'sacra' were still performed in the various curial chapels, and the Curio Maximus still called the 'curiales' to worship, but the worshippers required the assistance of tablets hung up in the Forum to tell them to what curia they belonged, while many even with this assistance went wrong, and had to postpone the performance of their religious duties to a later day. (Ovid, Fast. 2. 529 'inque foro, multa circum pendente tabella signatur certa curia quaeque nota, stultaque pars populi, quae sit sua curia nescit, sed facit extrema sacra relicta die'; Varro, L. L. 6. 13; Fest. 254.[1]) It is just possible, too, that it was in connexion with this transformation of the old agricultural 'curia' and its festivals, that the 'novae curiae' were built. They were erected apparently before Varro's time (L. L. 5. 155 'curiae veteres'), and Festus, p. 174, tells us that this was done 'quod parum amplae erant veteres a Romulo factae'.

And this appropriation of an ancient division of the 'Quirites' with its festivals and worships by the 'plebs urbana' not only reminds us of the way in which ancient country festivals, such as the Paganalia and Compitalia were gradually left to peasants, freedmen and slaves (Cic. pro domo 28, ad Att. 7. 7; Ovid, Fasti, 1. 669), but also throws some

[1] Ovid, however, clearly recognizes the originally agrarian character of the festival, ibid. 525 'facta dea est Fornax, laeti fornace coloni orant ut fruges temperet illa suas.'

light on the passages in which later writers appear to identify the 'curiae' with the 'tribus'. In Paulus, p. 49, we read that to the old thirty curiae 'postea additae sunt quinque, ita ut in sua quisque curia sacra publica faceret, feriasque observaret', and on p. 54 'cum essent Romae XXXV tribus quae et curiae sunt dictae.' The supposition is possibly correct that Paulus' authority here is Augustine, who on Psalm cxxi remarks, 'et una civitas multas curias habet sicut Roma triginta quinque curias habet populi. hae dicuntur tribus.' And it is suggested that Augustine merely meant to explain to his African compatriots that the 'curiae' with which they were familiar[1] were represented at Rome by 'tribus'. Similarly Tertullian's African extraction is urged in explanation of the passage in which he couples together 'tribus' and 'curiae', Apol. 39 'tot tribubus et curiis et decuriis ructantibus acescit aer.' Nor by itself can much stress be laid on the statement of Ioannes Lydus, de Mag. 1. 16, that the senators were originally taken 'ex omnibus curiis, id est, tribubus'. Dionysius, however, is a better authority, and in one passage he closely connects the two divisions. He is advocating (4. 24) greater care in enrolling as citizens, and thus as persons qualified to receive largesses, the motley populace of Rome. He recommends the institution of 'censors', who after careful inquiry shall enrol those whom they think worthy in the tribes and curiae, and allow them to reside in the city, *οὓς μὲν ἂν εὕρωσιν ἀξίους τῆς πόλεως ὄντας, εἰς φυλὰς καὶ φράτρας καταγράψουσι καὶ μένειν ἐφήσουσιν ἐν τῇ πόλει.*

I am inclined to think that, though it is an exaggeration to speak of 'identification', the 'curia' and 'tribus' may have been gradually brought into a very intimate connexion with each other, and their numbers consequently equalized. We have seen that by the end of the Republic, the 'curiae' had lost all significance as military, territorial and political divisions of the 'populus Romanus' and had become the

[1] For mentions of 'curiae' on African inscriptions see Wilmanns, Exempla Inscr. Lat. 680, 747, 2333, 2351, 2354, 2365, 2367, 2742. Cf. Marquardt, Röm. Staatsverwaltung [ed. 1881, i. 140].

special property of the 'plebs urbana'. Now it is well known that the thirty-five tribes of the Roman people underwent a very similar change. They had succeeded to the curiae as military, territorial and political divisions of the whole Roman citizen community, and they too degenerated into associations of the city populace. Though nominal membership in a tribe was still in the first century A.D. a necessary condition of Roman citizenship, it was only in the capital and among the 'plebs urbana' that the tribes still retained any visible existence or any vitality. The imperial distributions of corn at low prices were apparently conducted 'tributim', as were the occasional distributions of money. (Mommsen, Röm. Tribus, 194; Tac. Ann. 1. 8; Suet. Oct. 101; Plin. Paneg. 25.) The corn to be distributed was stored in the granary of each tribe (Momms. l. c. 196; Tac. Ann. 15. 18), and thither probably the tribesman repaired after receiving his 'tessera' to buy his share. But it was only the 'plebs urbana' as distinct from the higher orders of senators and knights who were interested in these distributions, and thus the 'tribes' came to signify merely the humbler tribesmen in Rome who received the corn. Here we have the 'plebs urbana xxxv tribuum' of the inscriptions (Wilmanns, Ex. Inscr. Lat. 679, 888). In this sense Suetonius contrasts 'populus' and 'tribus', Oct. 101 'legavit populo Romano quadringenties, tribubus tricies quinquies sestertium.' So Martial, 8. 15 'dat populus, dat gratus eques, dat tura senatus, et ditant Latias tertia dona tribus,' and Plin. Pan. 25 'locupletatas tribus datumque congiarium populo.' (Cf. also Tac. Ann. 3. 4; 14. 13.) Of the same sort too were probably the 'tribules tribus Claudiae', who are mentioned on an inscription as returning thanks for Hadrian's safe return (Orelli, 6419[1], Mommsen, R. Trib. p. 14, Note 15). But within these thirty-five tribes of the 'plebs urbana', even smaller corporations were formed, which also called themselves 'tribes' (Momms. ibid. 199). The 'corn-ticket' did not properly entitle the recipient to get his corn for nothing, though the price he paid

[1] C. I. L. vi. 980.

was a low one, but it appears that in each tribe a certain number of 'paupers' received 'tesserae nummariae' which secured them their quota without any payment at all, and these paupers of the tribe also formed associations which they dignified with the name of 'tribes'. These most degenerate tribes of all were organized as regular guilds. They had their own officials, their common funds—they feasted together, and followed members of the guild to the grave.[1]

Thus then both these two ancient divisions of the Roman people, the 'curia' and the 'tribus' had dwindled down into associations of the 'plebs urbana', and an attempt to make them coincide is surely not improbable. The members of both would be largely the same. The curiae and their sacra would supply the religious element which had been always wanting to the tribes (Mommsen, R. Trib. pp. 14–20), and which yet was almost a necessity of corporate life in antiquity. The addition of five new curiae would give each tribe a curial chapel for itself, so that, to quote Paulus again (p. 49), 'in sua quisque curia sacra publica faceret, feriasque observaret.' We must remember too, in connexion with this assimilation of the 'curiae' to the tribes in number, that among the plebs urbana, and indeed among all classes in Rome, there would be very many who were more familiar with the curiae as they existed in the municipal towns of Italy and the provinces, where they were in fact 'tribes',[2] than with the past history and patrician traditions of the 'curiae' in Rome. Finally this intimate connexion between the 'curiae' and the 'tribus' as religious and secular guilds of the 'plebs urbana' may have commenced as early as the time when Dionysius coupled the two together in the passage quoted above—though it is improbable that the addition of the 'five curiae' (Paul. 49) can be carried back to the time (before Varro) when the 'novae curiae' were built.

[1] Rein, in Pauly's Real-Encyclopädie, s. v. 'tribus'; Momms. R. Trib. 205.

[2] For the 'curiae' in Italy and the provinces see Marquardt, Röm. Staatsverwaltung, i. [139] sqq. 'die Bürgerschaft war, wie die älteste römische Gemeinde, in "curiae" getheilt.'

II

CHRONOLOGY OF THE JUGURTHINE WAR[1]

In a short note appended to his account of the Jugurthine War (Röm. Gesch. ii. 149) Mommsen points out a difficulty in Sallust's chronology, and to remove it suggests a possible rearrangement of dates. I venture to think, however, that this proposed reconstruction is itself open to objections as serious as those which lie against Sallust's own version.

The original account runs smoothly enough through the earlier years of the war (111–108). We get first of all the two abortive campaigns of Bestia and Sp. Albinus,[2] then follow the defeat of Aulus Albinus,[3] the arrival of Metellus,[4] the battle on the Muthul, and the attack on Zama,[5] bringing us, according to Sallust, to the end of 109. Throughout 108 and the beginning of 107 Metellus remains in Numidia as proconsul,[6] but in the summer of 107 he is succeeded in his command by Marius. In the autumn of that year we have a short campaign marked chiefly by the capture of the desert-city of Capsa.[7] This campaign over, Marius retires into winter quarters.[8] During the winter (107–106) we get the negotiations[9] with king Bocchus, ending with the brilliant capture of Jugurtha by Lucius Sulla, which thus cannot be placed later than the spring of 106.

At this point comes the difficulty. Having related without any apparent break the events from Marius' arrival out

[1] [Journal of Philology, vol. vii. (1876), pp. 91–4.]
[2] Jugurtha 28, 36.
[3] ibid. 38.
[4] ibid. 44.
[5] ibid. 48, 57.
[6] ibid. 62.
[7] ibid. 89 sqq.
[8] ibid. 100.
[9] ibid. 102 sqq.

in 107 to the capture of Jugurtha early in 106, Sallust goes on to tell us that this last event coincided with the defeat of Q. Caepio by the Cimbri,[1] which most certainly took place in 105,[2] or a whole year later. The next sentence makes matters worse.[3] Immediately, we are told, on the reception of the news of the close of the war, Marius was elected consul in his absence. He remained for the rest of the year in Numidia, and on January 1 of the next year entered Rome in triumph as consul. Now this second consulship belongs to the year 104, Marius' election to it apparently occurred in October or November 105, and the capture of Jugurtha must consequently be placed in the spring of that year, and not, as the general tenor of the account requires, in the spring of 106.

The solution which Mommsen proposes is as follows. He accepts Sallust's arrangement as far down as the arrival of Metellus in Numidia in 109; but he supposes that the consul was compelled, by the lateness of the season[4] and the demoralization of the army, to postpone all active operations till the next year, 108. On this view the battle on the Muthul and the attack on Zama are placed in 108, and not in 109. Metellus' second campaign, including the capture of Thala, falls in 107. Towards the end of that year he is succeeded by Marius, who, like his predecessor, remains inactive till the next spring (106). Then follows the capture of Capsa in the summer, the negotiations with Bocchus occupy the winter, and Jugurtha's capture occurs, as required, early in 105.

[1] Jug. 114 'per idem tempus advorsum Gallos ab ducibus nostris Q. Caepione et Gn. Manlio male pugnatum'.

[2] Comp. Livy, Ep. 67; Oros. 5. 16; Plut. Luc. 27 gives the day of the defeat as October 6.

[3] Jug. 114 'postquam bellum in Numidia confectum et Iugurtham Romam vinctum adduci nuntiatum est, Marius consul absens factus est'. The elections must have been late, viz. not earlier than the end of October.

[4] Ibid. 44 'exercitus ei traditur . . . imbellis . . . aestivorum tempus comitiorum mora imminuerat'.

But tempting as this solution of the difficulty is, it cannot be regarded as altogether satisfactory. In the first place, we know that Marius acted as Metellus' lieutenant throughout his first campaign;[1] and moreover we learn from Plutarch[2] that he was also present at the capture of Vaga in the following winter, and instigated the execution of Turpilius in opposition to the wishes of Metellus. It was after this that he went to Rome to stand for the consulship, and reached the city just in time to present himself as a candidate.[3] Now this election was in the summer of 108, and Marius must have left Africa about June or July in that year. This is possible enough if, with Sallust, we place Metellus' first campaign in 109, and the capture of Vaga in that winter or the following spring. But, according to Mommsen, the campaign belongs to the summer of 108, and thus we have the difficulty of supposing that Marius was actively engaged in Africa as Metellus' lieutenant at the very time when we are also obliged to suppose that he was standing for the consulship in Rome. Again, if the campaign was in the summer of 108, the capture of Vaga must have occurred after Marius' election to the consulship, and he must have assisted as consul-designate at Turpilius' execution. But we are told that he spent the months which followed his election in Rome in levying troops.[4]

It is somewhat surprising to find Mommsen saying that, from the relation in which the events of Metellus' first campaign stand to Marius' candidature, they must be placed in the summer of 108, the summer of his election. This is only conceivable if we suppose, first of all, that the campaign, important as it was, was yet extremely short, or that the elections were unusually late; and, secondly, that Marius, instead of stopping till the execution of Turpilius in the winter, as Sallust implies,[5] and as Plutarch explicitly states,

[1] Jug. 46, 50, 55, 56, 57, &c.

[2] Plut. Mar. 7, 8.

[3] Mar. 8 ἔτι δώδεκα λειπομένων ἡμερῶν.

[4] Jug. 86.

[5] The execution of Turpilius is mentioned in cap. 69, and then, cap. 73, Marius gets leave of absence.

went off at once to Rome at the close of the summer campaign.

A fresh difficulty arises in connexion with Metellus' second campaign, placed by Sallust in 108, and by Mommsen in 107. Sallust's account is intelligible enough. In the early summer of 108, Metellus, disgusted with Marius' persistent opposition, allows him to return home for the elections, and then energetically enters upon a new campaign.[1] Thala is taken; but his energy suddenly slackens when, probably in August, he hears of Marius' election, and of his appointment to the command in Numidia.[2] For the rest of his time he remains passive,[3] and leaves Africa before his hated rival appears on the scene.[4] Now let us turn to Mommsen. The second campaign of Metellus, with the capture of Thala, falls in 107, and not in 108. At its close, Metellus hears that Marius is to succeed him, and relapses into inactivity. This would be late in 107. Now Marius had been elected consul in July–August, 108, and his appointment to the Numidian command must have followed shortly afterwards. Yet, according to Mommsen, the news does not reach Metellus till the middle of 107, i. e. nearly a year after his election, and three or four months at least after Marius had actually entered upon his consulship.

Briefly then the proposal to transfer Metellus' campaigns from 109 and 108 to 108 and 107, involves the supposition, first of all, that Marius spent the last six months of 108 in Numidia as Metellus' legate, whereas we are obliged to believe that he was, on the contrary, in Rome; and, secondly, that the news of Marius' appointment to the command was some six or seven months in reaching Metellus.

It is more difficult to offer any other solution of the problem, and what follows is merely thrown out as a suggestion. Taking, as the date of Jugurtha's capture, the spring of 106, we may suppose that the reorganization of Numidia

[1] Jug. 73.
[2] Ibid. 82.
[3] Ibid. 83 'bellum intactum trahi'.
[4] Ibid. 86.

occupied Marius till the middle of 105; that he then announced his intention of returning home with his captive; and that, on the receipt of this news, proving that his African duties were over, he was elected consul immediately in the face of the threatened Cimbric invasion. His return to Italy would fall late in the autumn of 105, and his triumph on January 1, 104. On this view Caepio's defeat must coincide, not as Sallust inaccurately puts it with Jugurtha's capture in 106, but with the news that he was on his way to Rome in 105. The objection to this solution is that we hear nothing of Marius' long stay in Numidia, and nothing either of any prolongation of his command for the two years 106 and 105; but this is at least not so insuperable a difficulty as those in which we are involved by Mommsen's transposition of dates.

III

THE EARLY ROMAN EMPERORS[1]

HISTORIANS do not always find it easy to hold the balance evenly between their interest in the things that have been done and their interest in the men who did them. If history has sometimes been dissolved into biographies, there have also been instances where the supreme importance of the work achieved, and the difficulty of getting into close touch with the prominent actors, have led to an almost impersonal treatment of the subject, to a history without names. In the case of the period which extends from the first dictatorship of Julius to the death of Nero, the temptation to adopt this method of writing history is strong. The unsatisfactory nature of the literary tradition, and the rapid accumulation of evidence derived from other sources, have diverted students from the dubious and often pitiful records of the characters and careers of the individual Caesars to an examination of the nature and working of the political system under which the civilized world lived for three centuries.

A powerful impulse was given to this tendency by the publication in 1875 of the volume of Mommsen's 'Staatsrecht' which dealt with the principate. It contained the first intelligible account of that anomalous form of government for which the masterful genius of Julius had cleared

[1] [Quarterly Review, vol. 202 (1905), pp. 521–545. The article was headed by the titles of the following books:—1. Caesar's Conquest of Gaul. By T. Rice Holmes. 2. Portraitures of Julius Caesar. By Frank J. Scott. 3. Augustus. By E. S. Shuckburgh. 4. Augustus und seine Zeit. By V. Gardthausen. 5. Kaiser Augustus. By Otto Seeck. 6. Tiberius the Tyrant. By J. C. Tarver. 7. Caligula. By H. Willrich. (Beiträge zur alten Geschichte, 1903.) 8. The Life and Principate of the Emperor Nero. By B. W. Henderson. 9. Roman Society from Nero to Marcus Aurelius. By Samuel Dill.]

the ground, which the statecraft of Augustus established, and which gradually developed under, and almost in spite of, his immediate successors. Mommsen's insight into Roman methods and habits of thought, his familiarity with Roman law and legal conceptions, above all his unequalled mastery of the evidence, enabled him to analyse and explain, with a clearness never before attained, the nature of the famous compromise which gave Rome 'peace and a princeps', and by which the republic was restored only to wither away into nothingness.

Ten years later Mommsen followed up his exposition of the legal structure of the principate by publishing the fifth volume of the 'Roman History', the volume dealing with the provinces of the empire from the time of Julius to that of Diocletian. It was a marvellous effort of constructive historical imagination. In a series of brilliant chapters the principate was shown actually at work, where, as the author declares, 'its work is to be sought and to be found,' in the growing civilizations of Africa, Spain, and Gaul, in the frontier camps on Rhine or Danube, or where Greeks and Orientals lived securely under the protection of Caesar. The picture drawn presented a welcome contrast to that which Tacitus, Suetonius, and Dio had made familiar, and rendered what Tacitus himself has called the 'cramped and inglorious task' of recording the vices, cruelties, and crimes of a Gaius or Nero even more distasteful than before.

The personal problem is, however, one that neither human curiosity nor the requirements of historical study allow us to set aside; and the list of books prefixed to this article shows, not only that interest in the problem is reviving, but that scholars are endeavouring to solve it. It may be worth while to ask if we are at all nearer to a solution than we were.

Two confessions must be made at once. The literary evidence is much what it was when the Abbé Tillemont wrote his history of the emperors more than a century

and a half ago. Even the tombs and rubbish-heaps of Egypt have not yielded a single fragment of the lost original authorities whom Tacitus and Suetonius followed. The epigraphic evidence, it is true, has enormously increased in volume, but its value mainly consists in the light which it has thrown on the system of imperial administration, and on the political, social, and economic conditions of the time; of the personalities of the rulers it has little to say. So far as the personal history and characters of the early Caesars are concerned, only one document, the official record of the celebration of the Secular games in 17 B.C., has been found which can rank with the Ancyran monument or even with the bronze tablet at Lyons containing the famous speech of Claudius.

Yet, as a perusal of such works as Gardthausen's elaborate biography of Augustus, or Mr. Henderson's brilliant, if not always convincing, study of Nero, will show, we do not stand to-day precisely where scholars stood forty or fifty years ago. Though Tacitus, Suetonius, and Dio are still our chief authorities, we are better equipped for understanding them. The department of historical investigation known as the 'criticism of sources' has made great strides of late years, and it has taught us much as to the authorities whom these writers followed, their methods of using them, and the standpoint from which they regarded the period of which they wrote. Moreover, our greatly increased knowledge of the political system, and of the general conditions existing in the empire, has inevitably modified our views of the Caesars themselves.

It is, no doubt, with the successors of Julius and Augustus, with Tiberius, Gaius, Claudius, and Nero, that critics of the literary tradition have been most busy; and it is round the figures of these *epigoni* that the battle has been hottest. Yet even in the case of the two greatest of the Caesars there are difficulties to be met and questions to be answered before final judgement can be given.

At the head of the list of books prefixed to this article we have placed two which deal with Julius—Mr. Rice Holmes's admirable narrative of Caesar's conquests in Gaul and Mr. Scott's monograph on the 'Portraitures of Julius Caesar'. They afford an excellent illustration of the precise problem which confronts the historian in this instance. Mr. Holmes's feet are planted on the firm ground of Caesar's Commentaries; and, notwithstanding difficulties in detail, chronological, topographical, and otherwise, the figure of the great proconsul and the record of his doings are both clear and intelligible. On the other hand, Mr. Scott's search after the lineaments of Caesar the dictator leaves the reader, as it seems to have left the author, in much uncertainty.

The truth is that, down to a certain point in his career, we know Caesar more intimately than we know most of the great men of classical history. Thanks to Cicero and Sallust, we are able to get very near to the brilliant and versatile patrician who dared to beard Sulla at the height of his power, the astute and aspiring politician whose personal qualities attracted Cicero as much as his ambitious designs alarmed him. After Caesar exchanged the troubled politics of the Forum and senate-house for the proconsulship of Gaul, we can, with the aid of his own Commentaries, follow him closely in his work as the soldier and statesman who not only conquered the Gaulish clans, but won their loyalty for himself and for Rome. Even of Caesar, as the daring and successful revolutionary general who, to the amazement of the world, met and defeated the invincible Pompey, the impression left by the records is vivid and consistent. So far we are dealing with an intensely human figure, the leading characteristics of which are unmistakable. The qualities by which he was best remembered in tradition, and on which most of the stories told about him turn, are conspicuous throughout—his personal charm, his varied accomplishments and wide interests, no less than his unfailing readiness of resource, his clear insight into men

and things, his boundless self-confidence, and the ambition which, in the words of his remote successor Julian, would lead him to strive for supremacy even with Zeus.

But there is another Caesar, a much less human and a more evasive figure, whom it is not so easy to fix and describe. In attempting the portrait of Caesar the dictator, the absolute master for a brief space of the Roman state and empire, we are left to work with rather scanty material. We have no longer the guidance of his own Commentaries. Cicero, divided between his personal liking for Caesar and his detestation of the new régime, turns his head away from this part of his career. We are thrown back on far inferior authorities of a later date, on Plutarch, Suetonius, and Dio. Nor does the evidence of inscriptions and monuments compensate, to any great extent, for the failure of the literary record.

Some facts are indeed beyond dispute. The clemency which Caesar showed to opponents was a welcome surprise to men who remembered the 'Sullan domination'. But his rule was also characteristically vigorous and high-handed, for Caesar had lost none of his old contempt for established forms and traditions. Nor did he fail to show his capacity for grappling at once and effectively with the urgent problems of the moment. Yet such measures as his reform of the calendar, or of the taxation of the province of Asia, or the compromise by which he staved off an imminent financial crisis, give us no clue to his general policy. And when we proceed to ask on what lines he proposed to reconstruct the commonwealth, the poverty of the material for an answer becomes plainer still.

The view is widely held that Caesar contemplated substituting for the old city-state, with its subject allies, a single 'world-state' of which Rome might be the capital but not the mistress. Yet the evidence on which this view rests is far from convincing. Caesar, as became a former leader of the popular party, and a kinsman of the man who carried

the law enfranchising the Italians, was very probably favourable to a liberal policy in dealing with the citizenship. But, though he redeemed a pledge given in 65 B.C. and enfranchised the Transpadanes, and was generous both with Roman citizenship and with Latin rights in districts already so Roman in language and habits as Sicily and southern Gaul, there is no proof that he either made or contemplated making any wholesale grant of the Roman franchise. Nor is it safe to argue that, because he admitted into the senate a few 'half-barbarous Gauls', he intended to make of the senate an imperial council, though it may well be that he wished to render it more amenable to his own will by the introduction of men, whether Gauls or old soldiers, who were loyal to himself. Sulla, who has never been suspected of imperial views, had also increased the numbers of the senate and placed on its roll partisans and creatures of his own. More hazardous still are the inferences drawn from the fragments of the law which critics are agreed in identifying with the Julian municipal law referred to by Cicero. It may be granted that the law was a statesmanlike attempt to introduce regularity and uniformity into the medley of municipal institutions, of various dates, existing in Italy, and that its principles were intended to govern also the constitutions of all municipalities which might be established in the future. But the fact that, for some unexplained reason, clauses dealing with certain details of the local government of Rome are prefixed to the municipal law proper, does not justify the inference that Caesar intended to lower Rome to the position of being only one, even though the foremost, among Italian towns.

If we cannot be sure what Caesar meant to make of the Roman state, we are almost equally in the dark as to the shape which he intended that its government should assume. We may, of course, dismiss the idea that he contemplated a restoration of the republic in any real sense. The necessity for some centralized personal authority was

patent; and Caesar had used plain language about the ancient republican constitution. It is almost as unlikely that he had fixed on the dictatorship as the form under which the supreme power should be permanently exercised. Beyond this all is conjecture. There is much plausibility in the theory advocated, among others, by Dr. E. Meyer, one of the ablest living German historians, that Caesar intended to place at the head of the state a king, not, as Mommsen suggested, of the old Roman type, but after the pattern of the Hellenistic monarchies of the Seleucids and Ptolemies.[1] The extravagant honours which Caesar allowed to be heaped upon him gave significance to the talk of a proposal to allow him to assume the title 'Basileus' and the kingly tiara, while engaged in his projected Parthian campaign. His claim to descent from Venus Genetrix, in whose honour he built a temple in Rome, was carried a step farther by the Greeks of Asia. In a decree of the council of Ephesus he is described as 'the god made manifest, the son of Ares and Aphrodite'. His intimacy with Cleopatra, and the rumoured preference which he showed for his son by her, may have raised the suspicion that he contemplated not only an eastern title, but an eastern capital. Finally, the emphatically Roman policy of Augustus was possibly prompted by anxiety to prove his innocence of any such un-Roman designs as those attributed to his adoptive father. But, though Caesar's usually clear judgement may have been temporarily warped by success and flattery, it is difficult to believe that he would have permanently adopted a policy so alien to Roman feeling and so certain to imperil Latin civilization.

It is safer to resign ourselves to a frank confession that we have no satisfactory clue to Caesar's views for the future, even assuming that he had been able to form any. It is best to leave him where Roman tradition placed him, the deified

[1] [Historische Zeitschrift, 91 (1903) 399. Mommsen in an Academic 'Rede' of 1881 suggested imitation of Alexander, Reden und Aufsätze, 108.]

progenitor, the eponymous ancestor of the long line of the Caesars, whose temple stood in the Forum and whose star was seen in the heavens, but whose tragic death, and the chaos which followed, separated him as by a wide gulf from the new order of things shaped and settled by Augustus.

For it was always to Augustus that men looked back as the actual founder of the rule of the Caesars. The powers given in turn to each emperor were those given first of all to Augustus; and the moment when, to quote the language of an edict of Vespasian, 'Augustus got hold of the commonwealth,' was that from which the existing arrangements of the Roman state was dated. His proverbial good fortune while alive has not failed him since. It gave him what was denied to the other Caesars of the first century, a successor who reverenced his memory and loyally carried on his policy, and historians who, though lost to us, worthily and faithfully recorded his achievements. The result has been that, though the unfavourable criticisms passed on him, as Tacitus tells us, after his death have been repeated at intervals ever since, his position has never been seriously challenged. The Octavian of the triumvirate and the proscriptions has been almost forgotten in the Augustus who, like his prototype Aeneas, emerged from the dark days of the civil wars purified and strengthened for his work of restoration.

It is as the man who restored peace and order, and inaugurated a new era of justice, clemency, and virtue, that he was remembered even in the doggerel verses of the Middle Ages:—

> Salvator voluit sub tanto principe nasci,
> Nam pax sub pacis principe nata fuit.

It is under this aspect that Augustus is revealed in two striking memorials of his principate, both of which have been discovered within the last fifteen years. They may claim a brief notice here, if only because Mr. Shuckburgh, in his careful life of Augustus, seems scarcely to realize their importance as bringing vividly before us the strength and

reality of the feelings which inspired the verses of Horace and Ovid. The first is the official record of the celebration of the Secular games in 17 B.C. which (we are quoting Mommsen), by the favour of the gods, 'quibus septem placuere colles,' was discovered in and after September 1890, during the construction of the new Tiber embankment. The record was graven on marble, by order of the senate, 'so that the memory of this great mercy of the gods may be preserved.' In interest it stands second only to the Ancyran monument, and it might well have found a place in Mr. Shuckburgh's appendix along with that famous chronicle of the 'acts of the deified Augustus'.

It describes for us in detail the solemn ceremony which typified and commemorated the distinctive achievement of Augustus at what was the climax of his career. Peace had been established, and not without honour, for the Parthian had given back the standards lost at Carrhae; the provincial administration had been reorganized; at home the old government had been restored, the old worships revived; and, only a few months before, laws had been passed which were to bring back the ancient virtues. And now on the first three days of June, B.C. 17, a date politely vouched for as the correct one by courtly lawyers and learned pontiffs, the old age, with its wars and massacres and vices, was to be buried, and the new age of peace and faith and purity was to be ushered in. We can read the preliminary instructions issued by Augustus himself, by the senate, and by the college of the 'Fifteen' specially charged with the arrangements for the ceremony. Then follows the record of the festival itself. The chief actors are the two men who had made it possible—the imperator, Caesar Augustus, and his well-tried friend and colleague, Marcus Agrippa. The spectators included all, whether Roman citizens or not, who cared to respond to the invitation to witness a spectacle which none had ever seen before and none would see again. On each night in the Campus Martius near the Tiber sacrifices were offered by

Augustus himself to mother earth, to the 'Moerae', to the 'deis Ilithyis'. The sacrifices by day were offered by both Augustus and Agrippa, for the first two days, in the Capitol to Jupiter 'greatest and best' and to Juno the Queen. On the third, the great day of the feast, sacrifice was offered on the Palatine to Apollo and Diana; and then, the sacrifice completed, a chorus of young men and maidens chanted the secular hymn first on the Palatine and next in the Capitol. 'The hymn,' drily adds the official chronicle, 'was composed by Q. Horatius Flaccus.' It is but rarely in ancient history that we are able to get so near to a great popular ceremony, charged with deep emotions of gratitude and hope.

Four years after the celebration of the Secular games Augustus returned to Rome from his visit to the western provinces. Horace bears witness to the feelings with which his return was anticipated and welcomed; and the note struck is much the same as in the secular hymn. Augustus returns to find the new era of peace and virtue fairly begun, the old age already buried away out of sight. In commemoration of his return an altar was erected to the goddess of peace, 'Pax Augusta' herself, in the Campus Martius; and there each year 'magistrates, priests, and Vestal virgins were to offer sacrifice'. So much we learn from Augustus's own record of his life. But it is only within the last few years that it has been possible to realize something of the beauty and significance of this 'Altar of Peace'. Here, again, we have to regret an omission on Mr. Shuckburgh's part; while Gardthausen, though his book was mostly published, like Mr. Shuckburgh's, before the most recent excavations beneath the Ottoboni palace, has made good use of the researches of Von Duhn and Dr. Petersen. For the historian, interest centres in the success which has rewarded the patient efforts of scholars to reconstruct, out of the scattered fragments which remain, the great series of reliefs which adorned the walls of the courtyard. The reliefs, the finest extant specimens of the art of the Augustan age,

Greek in their grace and beauty, but with a stateliness and dignity genuinely Roman, show us a procession which may well have been that which celebrated either the foundation of the altar in 13 B. C., or its dedication in 9 B. C. The high officials of state are there, the priests and Vestal virgins, symbols of the restored republic and of the ancient faiths; but there also are the men who had achieved the great work which the altar commemorated—Augustus, Agrippa, and with them, probably, the heroes of Rome's most recent victories, Tiberius and Drusus. Quite as much as the record of the Secular games, the frieze of the Altar of Peace enables us to realize the 'halo as of the dawn' which, in Mommsen's words, gave its peculiar glory to the reign of Augustus.

It must not, of course, be imagined that there are no points on which the historians of Augustus have differed. Was he in earnest about the restoration of the republic? Dr. Meyer, in a brilliant little paper, argues warmly that he was.[1] Gardthausen, in his elaborate study of Augustus, is equally positive that he was not. What view Mr. Shuckburgh holds is not very clear. On the whole we think the balance of probability is on the side of Meyer, and that Augustus intended something more than a polite but unreal concession to Roman feeling. There are indications of a serious endeavour on his part to infuse life, not into the senate only, as Meyer's language might be taken to imply, but into the republican institutions as a whole. We need only refer to his attempts, quite unsuccessful it is true, to reinvigorate the popular assembly, and to charge the magistrates with a definite responsibility for the local government of Rome.

It is often urged that Augustus must have known that such attempts were doomed to failure. But, though we may grant that he miscalculated, it does not follow that he did not believe in his scheme, or that in January 27 B. C. he had

[1] [Historische Zeitschrift, 91 (1903) 385–431.]

not reasons for doing so. As to one condition of its successful working, his own moderation and self-restraint, he was presumably confident; and as to the other, it is by no means clear that he was bound to despair of the republic without further trial. The Roman community was not so corrupt and effete as the language of many historians would lead us to believe. Neither the remnant of the old nobility nor even the city populace were utterly rotten. As to the great body of Roman citizens, Augustus, himself Italian on his father's side, and knowing Italy well, may reasonably have argued that, although the civil wars and the prevailing insecurity of the last twenty years had rudely shaken the fabric of society and produced a temporary demoralization, yet there existed germs of vigorous life which required only the restoration of peace, confidence, and settled government to develop and expand. It was clearly to this Roman people, to the Italy of Virgil and Horace, that he looked. They had been alienated by the narrow exclusiveness which guided the policy of the later republic; they might now be invited to play their part in a wider Rome, not as the subjects, together with Greeks and barbarians, of a supreme despot, but as a self-governing imperial race. Nor was his confidence altogether misplaced; for, although little is said of it by ancient writers whose horizon was bounded by the walls of Rome, the century that followed the compromise of 27 B.C. witnessed a great outburst of vigour and a rapid diffusion of prosperity in Italy. In one respect, indeed, Augustus's hopes were falsified; the activities which he set free did not run in the channels which he had marked out for them. Their effects are seen in literature, in commerce and agriculture, and in municipal life; but they left untouched the ancient political institutions of the city state of Rome, the primary assembly, the elective magistracies, and even the senate. Yet Augustus's ideal was no unworthy one. He will never exercise over the imaginations of men the influence of Julius, but he saved for posterity a Latin civilization, and postponed

for two centuries the triumph of undisguised military despotism.

With the death of Augustus the criticism of the history of the Caesars enters upon a new stage. The literary tradition of antiquity treated Augustus with respect; on his four next successors it passed a verdict of almost unqualified condemnation, for such comparatively lucid intervals as the first days of Tiberius or the 'quinquennium Neronis' only serve to deepen the prevailing gloom. This verdict has been repeatedly challenged; not only Tiberius and Claudius, but even Gaius and Nero have found able and zealous defenders who have unquestionably succeeded, notably in the case of Tiberius, in proving that the verdict was in part at least unjust. There is, however, a prior question which has hardly received its due share of attention, at any rate in this country. We may grant that Tiberius, for instance, was not so black as he is painted; but it is important to try to understand why he was painted so black. In other words, why did Tacitus—for it is he who has given the tradition its currency and authority—paint the rule of the Caesars from 14–69 A. D. in such unfavourable colours? The theory that he was himself malevolently disposed towards these Caesars has deservedly fallen out of favour. We may accept his own statement that he was not moved either by resentment or affection. Very possibly he was not unwilling to set off by contrast the happiness of that 'most blessed age' in which he wrote; but we find it difficult to accept Mr. Tarver's ingenious theory that in blackening Tiberius, Tacitus is really taking his revenge upon Domitian.

Tacitus was, in truth, above all things an artist, aiming at painting, from the materials before him, a picture of the period with which he is concerned and of the chief actors in it. He found ready to his hand an established tradition of the characters and doings of the last four Caesars of the Julio-Claudian line. This tradition, in the main, he accepts, and he sets himself to reproduce it as effectively as possible,

throwing in skilful touches and deepening the shadows, so as to give the desired impression. He was not malevolent or dishonest, but he exerted the whole force of his genius to give to his own generation and to posterity a presentation of this old régime, with its extravagant luxury, wild excesses, and terrible catastrophes, which has held the attention of men ever since. It was a picture which not only he but his contemporaries were predisposed to accept without much question. For the comparatively sober, bourgeois society in which Tacitus lived the *ancien régime* that perished with Nero had a weird fascination.

It is necessary, therefore, to go behind Tacitus to the tradition which he followed. It was a tradition bitterly hostile to the Caesars; it emanated almost exclusively from writers who belonged to the senatorial order; and it reveals something like a standing feud between the Caesars and the nobility of Rome. What, then, is the explanation of this feud? It is to be found, as Mr. Dill has pointed out in one of the best passages in his book, not alone in the vices and faults of either emperors or nobles, but also in the political and social conditions of the time. The difficulties which these created became acute when death removed the great master of statecraft who had planned the delicate compromise on which the principate rested, and whose unrivalled services to the state and consummate tact silenced opposition.

Tiberius has been often represented as making a new departure in policy; and a learned German writer describes his reign as a 'transition to tyranny'. In reality the most marked characteristic of Tiberius's policy is his unwavering attachment to that of Augustus, whose deeds and words 'were to him a law', and whose 'advice was a command'. He did not enjoy the unique personal prestige of his predecessor; he was a soldier rather than a statesman, and by temperament as ill-fitted as Augustus was well-fitted for a policy of compromise. It is, moreover, easy to understand

that the long duration of Augustus's principate had so strengthened the position of one party to the arrangement as to make the Augustan theory of a dual control far more difficult to work than had been the case forty years before. The pathos of Tiberius's situation lies in his conscientious efforts to carry on a policy which was becoming every year less practicable, which was in many ways repugnant to his own temper, and which tried his patience to the breaking-point. At each step the difficulties and the friction increased. Even in the department of foreign policy his loyal adherence to the 'maxims of Augustus' gave occasion for sneers, to which Tacitus, true to his artistic method, has given epigrammatic force and a permanent place in literature. His recall of Germanicus, his indifference to Britain, his temporizing policy in the East, were all, as Tacitus incidentally lets us know, in strict accordance with Augustan rules; but almost in the same breath they are quoted as proofs of his jealousy of rivals, his inertness or his vacillation. More serious were the difficulties at home. It is, we think, beyond dispute that Tiberius endeavoured, with almost pathetic fidelity, to respect the two fundamental assumptions on which the compact of 27 B. C. rested—that the republic had been restored, and that the *princeps* was no more than a private citizen entrusted by senate and people with powers wider than those of any of his colleagues, but still limited and defined. At the outset Tiberius's deference to consuls and senate alarmed that experienced adviser, his mother Livia. Throughout the first twelve years of his principate he made constant use of the senate as his advisory council, consulting it even on matters which touched the 'arcana imperii' so nearly as the enlistment and discharge of soldiers, or correspondence with foreign powers. While the proconsuls of public provinces were reminded that they were responsible, not to him, but to consuls and senate, he insisted that his own servants should remember that they were not officials of state. He was equally resolute in avoiding the outward accessories of mon-

archy; and here, no doubt, the theory of the constitution coincided with his own tastes.

But he was attempting the impossible. No effective partnership was possible where the real strength was all on one side. Nor was it possible to remain only the first citizen of the republic when he was frankly acknowledged as a monarch. The difficulty of governing efficiently under a system which he increasingly felt to be impracticable, but which loyalty forbade him to abandon, fretted and soured his somewhat dour temper. The effect was equally unfortunate on public opinion in Rome, especially among the senatorial nobility. Some resented the attempt to play the citizen on the part of a man who had none of Augustus's civilities, and neither provided nor shared in the amusements of the people. In others his reserve excited suspicion, which, after his withdrawal to Capri, took shape in the wildest gossip as to his private life. The mass of the senators were equally unwilling to take their partnership in the government seriously, and resentful of any attempt to ignore their claims. In a few cases other motives were at work—the pride of birth, which refused to acknowledge a superior even in a Claudius, or a sentimental republicanism which fed on the traditions of Cato or of Brutus.

To these causes of friction and mutual mistrust and suspicion must be added the general sense of insecurity and the plentiful crop of intrigues due to what was an essential feature in the Augustan system, the open question of the succession. It was this more than anything else which encouraged conspiracy and family feuds and lent a dangerous significance to the influence which might be gained over Tiberius by those nearest to him, his mother or Agrippina, or a too powerful prefect of the praetorium. The situation grew steadily worse. He was soured by the consciousness that this loyalty to the maxims of Augustus had made him unpopular without any good results. His reserve and his mistrust increased. He left Rome in weariness and disgust,

only to find that his absence intensified suspicion and encouraged intrigue. The gloom of the last few years weighed heavily both on Rome and on Tiberius, now (to quote his own words) 'an old man and alone'. But it had a more far-reaching effect. It gave to the contemporary literature its tone of bitter hostility, and so provided the materials for that portrait of Tiberius which, thanks to the genius of Tacitus, has fascinated posterity.

At the present day we listen readily enough to the apologists of Tiberius. With his successor, Gaius, the case is different. Yet it is not impossible to make Gaius, not perhaps more admirable, but at least more intelligible. Herr Willrich, in his careful study of Gaius, or 'Caligula', as he prefers to call him, does not profess to undertake the task of whitewashing him. He does not deny his extravagance, vanity, and cruelty, nor, we think, does he disturb the fixed belief of Gaius's contemporaries, that the illness which seized him early in his principate unhinged his mind and clouded his judgement. Yet he has rendered good service by insisting that many of the features in Gaius's policy which most bitterly offended Roman society, and have been ever since quoted as indications of mental disease, are directly connected with a political theory which, though at variance with the Augustan system, had never been without adherents since the days of Julius, and was carried out by Gaius with characteristic extravagance and disregard of consequences. If the principate of Tiberius illustrates the difficulty of working the plan of a dual control of the empire, the rule of Gaius shows how near the sober principate of Augustus stood to an avowed monarchy of the Hellenistic type. The tendency to treat the princeps as much more than first citizen, or even first magistrate, was already strong. The half-orientalized Greeks of his household easily transferred to their lord and master the language long familiar in the courts of the East. The provincials of Asia Minor habitually overstepped the limits imposed on their devotion by Augustus and

Tiberius; and even Westerns like Seneca allowed themselves to speak of the Caesars in terms of almost Oriental servility.

This growing extravagance of homage had been sternly checked by Tiberius. But Gaius had been bred amid influences which inclined him to welcome it as his due and frankly to accept the position of more than human pre-eminence assigned to him. In the palace of his grandmother, Antonia, he had breathed an atmosphere very different from that which surrounded either Tiberius or even Livia; for the latter, though autocratic in temper and policy, was Roman to the core. Antonia herself, after the withdrawal of Tiberius to Capri and the death of Livia, was the prominent representative in Rome of the house of the Caesars. Her palace must have been a powerful social and political centre. L. Vitellius, Valerius Asiaticus, and Vespasian haunted her reception-rooms and paid court to her freedmen and freed-women. From among the former came some of the prominent favourites and servants of succeeding emperors, Pallas and his brother Felix, probably also Callistus. Through her father, Antony, she had numerous affinities with the ruling houses of the native states which still flourished under the suzerainty of Rome, and, above all, with those of the East, the 'orientis regna', with Thrace and Pontus, and with the Herods. Her palace, with its traditions of Antony, was their natural meeting-place in Rome. Here they cultivatedrelations with the powerful and astute freedmen, and here paid their court to the destined successor of Tiberius, the young Gaius. They pandered to his tastes, flattered his vanity, and instilled into him the ideas of sovereignty as they understood it; they became his 'instructors in tyranny'. The lessons they taught were perfectly learnt. Almost from the first Gaius posed as a monarch of the Graeco-Oriental type. His accession dispelled the dark clouds that had gathered over the empire during the last years of Tiberius. 'The newly risen sun-god,' so runs an inscription of the time, 'lighted up with the brightness of his rays the kingdoms of

his empire'; for he was like his eastern models, at once divine and a king of kings.

The verdict of tradition upon Gaius's successor, Claudius, is thoroughly characteristic of the time. The uncle is not denounced with the bitterness excited by the nephew's cruelties, but he is ridiculed and despised; and the reason is plain. Claudius, as even the tradition allows us to see, had merits as a man and a ruler; but his merits and demerits were almost equally distasteful to Roman society, since both ran counter to its most cherished prejudices. Born in an age keenly susceptible to physical beauty, and in a family conspicuous for the possession of it, Claudius was awkward and ungainly almost to deformity. The son of Drusus and the brother of Germanicus was shrewdly suspected of being a coward. He succeeded to the principate in humiliating circumstances. He was credited with a liking for low society, vulgar pleasures, and studies which, in the opinion of society, were almost as unworthy of a Roman gentleman. To crown all, he was said to be weak and easily led by those nearest to him, his women and his freedmen.

This portrait of Claudius was probably in the main true to life. But we are shown another and somewhat different aspect of this Roman James I. The same authorities who dwell on his weakness and pedantry charge him with having been audacious enough to fling aside the venerated 'maxims of Augustus' and to initiate a new departure in the government of the empire. To the modern student it is sufficiently clear that in this matter Claudius gave proof of genuine statesmanship and showed himself capable of conceiving, carrying out, and, as his famous oration indicates, of defending a broad and liberal policy. It is equally clear that this policy was not only almost as completely at variance with 'Augustan maxims' as Gaius's extravagant claims to omnipotence, but that it wounded as deeply the susceptibilities of Roman society. Seneca, whether he is caricaturing Claudius for the benefit of Nero and his court, or putting into Nero's mouth

a formal repudiation of his predecessor's methods, leaves us in no doubt as to the points on which hostile criticism fastened. Claudius was charged, in the first place, with endeavouring to ignore the division of labour established by Augustus, and to concentrate in himself the 'duties of senate, magistrates, and laws'. Secondly, he was accused of confounding the 'household of Caesar' with the commonwealth of Rome, and of placing his freedmen 'on a level with himself and the laws'. Finally, in contrast with the wise parsimony of Augustus, he was said to have favoured so wide an extension of Roman citizenship that, if the fates had not cut short his career, not enough aliens would have been left to keep up the stock.

The first of these charges need not stay us. Claudius's taste for business, especially for judicial business, was as marked as the distaste shown by Nero, and the growing desire of the public to get their cases heard by Caesar facilitated its gratification; but there is no indication in this direction of any new policy. It is otherwise with the second charge. It is now generally agreed among scholars that the principate of Claudius coincides with a marked development of what may be called Caesar's own administrative service as distinct from the public service of the state. The status of at least his principal household officers, his secretary (*ab epistulis*), his controller of accounts (*a rationibus*), and his receiver of petitions (*a libellis*), was improved; and these private servants, though freedmen, were invested with the insignia of Roman magistrates. Similarly his revenue officers in the provinces (*procuratores*) received the most distinctive prerogative of public magistrates, jurisdiction. These measures could unquestionably be described as involving a confusion of the household with the commonwealth; and they were a departure from the policy of both Augustus and Tiberius. Nor did Claudius content himself with thus raising his private servants to the dignity of state officials. He also sensibly extended the area of their activity at the expense of the old magistracies of the commonwealth. To

mention only a few instances, the duty of superintending the unlading of the cornships at Ostia, the care of the public lands in Cisalpine Gaul and of the grazing-grounds in south Italy, were all transferred from quaestors to imperial officers; while, in the charge of the water-supply of Rome, the senatorial commissioner was replaced[1] by a procurator of Caesar.

This policy cannot be dismissed as due simply either to Claudius's love of meddling or to the influence of his freedmen. It was an attempt to deal with a genuine administrative difficulty. The Augustan partnership in administration between Caesar and the magistrates of the state was fast breaking down owing to the inefficiency of the latter. Alike in Italy and in the provinces, the difference between the departments administered by Caesar's officers and the rest was unmistakable. But, though the extension of the sphere assigned to Caesar promoted efficiency, it meant, as things stood, the increased prominence and activity of the 'household'; it involved, in short, 'palace government.' For, if we except the legates who ruled Caesar's provinces or commanded his legions, the bulk of the officials who carried on his government were not, in the eye of the law, officials at all, but private servants, often freedmen, or, at the best, Roman knights. The fact was not only a source of weakness to Caesar, but a standing offence to Roman society, in whose eyes the ability of those low-born agents, and the importance of the duties which they discharged, were no excuse for their undue prominence and influence. Two centuries later, when Caesar's service had lost this domestic and private character, the greatest nobles were ready to fill the 'officia palatina', the offices in the household. For this change the time was not yet come, but Claudius undoubtedly prepared the way for it by investing these posts, even while held by freedmen, with something of the dignity of magistracies of state.

As to the last of the charges brought against Claudius, that of indiscriminate lavishness in granting Roman citizen-

[1] [Or rather 'restricted', Mommsen, Staatsrecht, ii (ed. 1887), 1053.]

ship, we are inclined to think that both Dio Cassius and modern historians have taken the language of Seneca's famous satire too literally. Neither Tacitus nor Suetonius, it should be noticed, supports the charge. The extant fragments of Claudius's speech on the admission of the Gaulish chiefs to senatorial dignity do indeed prove that he was in favour of that liberal policy of comprehension, which, as he argues, had been the policy pursued by Rome from quite early days, and pursued with the best results; but in this case there was no question of granting citizenship, for the Gaulish chiefs already possessed it. Nor is it safe to assume that his undoubted activity in founding colonies or in creating Roman 'municipia' in the provinces, involved any large addition to the numbers of citizens. On the other hand, there is no evidence of any grant of citizenship or even of Latin rights by Claudius on a large scale. As a possible explanation of Seneca's language, we would suggest that it merely gives exaggerated expression to the resentment felt in Roman society at Claudius's partiality for the Gaulish chiefs, whose countryman he was by birth, who had loved and honoured his father, and who were bound by many ties to the Caesars, whose name they bore. Claudius, says Seneca, was a Gaul; it was natural that under him the Gauls should capture Rome. But this peaceful invasion of Rome by Gauls was as unpopular as that of England by the Scots under James I, or, at a later period, under Lord Bute. There was, as Claudius implicitly allows, this amount of reason in the prejudice, that the chiefs, to whom seats in the senate and the honours of consulship or praetorship were now to be open, as little resembled the peaceful burghers from the Romanized towns of southern Gaul or Spain as Fergus MacIvor did Bailie Nicol Jarvie. They were still the hereditary rulers of strong and warlike clans; they were wealthy; and, above all, it was they and their clansmen who, side by side with the legions, kept guard on the banks of the Rhine against the Germans.

We must pass to the emperor with whom, as Suetonius says, 'the progeny of the Caesars ended.' The principate of Nero has left a more indelible mark on tradition than that of any of his predecessors, for in his case the hatred of Christians for the first persecutor of the Church has combined with the denunciations of pagan authors to keep his portrait fresh and vivid. The lurid reflection of the flames which consumed half Rome has coloured all the accounts of his reign, and has, it may be suggested, even tinged those of the Caesars who preceded him. We are therefore entirely at one with Mr. Henderson when he urges that, in judging Nero, it is even more essential than in the case of his predecessors to take into account the rather distorted medium through which the writers of the second century viewed him. We may dismiss the idea that he was a madman. We are justified in disbelieving, as Tacitus probably disbelieved, the story that he fiddled while Rome was burning. We may agree both with Mr. Henderson and Professor Dill in recognizing that Nero had good impulses, that he could and did inspire affection. He was certainly not destitute of ability, and he had a real if somewhat misdirected love of art. Nor had he any of the defects which made Claudius ridiculous, or the cynical contempt for human life, and the serene belief in his own omnipotence, which distinguished Gaius. But he followed where his passions led him, whether the ruling passion for the moment was lust or extravagance or, as it often was, fear; and once launched on this career he knew no scruples. That he may have inherited from his paternal ancestors, the Domitii, a vein of ferocity is possible; but he lacked the stern courage and resolution characteristic of them and, still more, of his mother, Agrippina.

It is just because Nero was above all things the slave of uncontrolled impulse and passion that we find it difficult to follow Mr. Henderson in his attempt to credit him with statesmanship and a rational policy in public affairs. That he liked applause, that he could be generous, and that his

fancy was at times caught by visions of universal benevolence or universal conquest, may be admitted. But the evidence which justifies us in applying the term statesman to Tiberius or Claudius is wanting in the case of Nero. Thanks to Seneca and Burrus, and by contrast with what followed, the first five years of his principate, the 'quinquennium aureum', were years of quiet and good order. But it was only on the surface that there was any reaction against the Claudian policy or any return to the maxims of Augustus. Nero disliked affairs as much as Claudius loved them, and so far the senate and magistrates had freer play; but both senate and consuls were as much afraid as ever of acting without the imperial knowledge and approval. Nor will Nero's achievements in the way of domestic or economic reform bear the emphasis which Mr. Henderson lays upon them. We have a grandiose scheme on paper for a canal, and a momentary fancy of abolishing indirect taxation, both characteristically Neronian; when we have added the settlements of veterans at one or two decaying towns in Italy, a harbour at Antium, intended probably mainly for the convenience of the imperial palace, and a few more privileges granted to the corn merchants, we have virtually completed a list which compares badly with the Claudian harbour at Ostia, the Claudian aqueducts, the two roads which opened up the inland valleys of the central Apennines, and the draining of the Fucine lake. Abroad, the most important achievement of his principate was the settlement of the Armenian question on a rational basis; but this was the work, not of Nero and his advisers in Rome who did their best to prevent it, but of Corbulo. Of Nero's visionary schemes for further eastern conquest, we have only space to say that we cannot take them so seriously as Mr. Henderson appears to do.

That matters on the whole went well in the provinces and on the frontiers is true; and the fact, while not proving Nero to have been a wise ruler, illustrates what is perhaps the most characteristic anomaly in the political situation throughout

this period. On the frontiers and in their own provinces the Caesars of the first century were openly and formally recognized as supreme by the original constitution of the principate. Here there were no irritating constitutional fictions to be respected, no colleagues equally jealous and timorous to be conciliated or ignored, and here the senate could only step in if Caesar himself invited it to do so. But, if Caesar's authority abroad could be frankly displayed and openly exercised, any tendency to a capricious use of it was checked, and the results of incompetency in Caesar himself were partially neutralized, by a solid framework of official tradition, in parts as old as Augustus, in parts older still, which steadied the administration on the frontiers, in the camps, in provincial chanceries, and gave to the foreign policy and the provincial government of the Caesars its remarkable continuity.

It was otherwise in Rome. On the one hand, under the Augustan constitution, Caesar was only one of several authorities whose prerogatives he was bound to respect, and on whose departments he was not to encroach. In the administration of justice there were tribunals of equal rank with his own from whose decisions no appeal lay to himself. He was, moreover, confronted with a wealthy aristocracy, nervously alive to every indication of a tendency on his part to overstep his appointed limits. On the other hand, there was the general consciousness that this division of labour and these limitations were fictitious, and that in the background, but near at hand, were the praetorian cohorts. The fact of this unacknowledged, irregular, but very real, power dominated the situation in Rome; it paralysed the courage and excited the secret resentment of Caesar's colleagues, of the senate and the nobles, while few Caesars, even though they did not, like Gaius, cast all disguise to the wind, could resist the temptation of exercising their power when irritated by opposition or alarmed by fears of treachery. Nor is it surprising that, when exercised under these conditions, it was exercised capriciously and cruelly.

A word must lastly be said of the man who has divided with Nero the interest and attention of posterity. Opinions differed as to Seneca's character and merits even among his younger contemporaries. That we have not yet arrived at a general agreement is clear from the judgements passed upon him by Mr. Henderson and Professor Dill; and we must confess that with neither of these judgements are we in complete accord. Professor Dill's view of Seneca is sufficiently indicated by the title of the chapter which he has devoted to him, 'The Philosophic Director.' Seneca, in Mr. Dill's eyes, is a 'pagan monk', a 'saviour of souls', conscious of an 'evangelistic mission'. Such phrases seem to us inconsistent with the whole tone and temper both of Seneca himself and of his age; they overlook the difference which separated both from the Antonine period—a difference which went deeper than the change in literary taste which caused Seneca's full-blooded and rather florid style to turn the stomachs of Tacitus and even of Quintilian. Seneca has much of what we are accustomed to call the 'eighteenth century' temper, and little or nothing of the detachment from practical life and the mysticism of the later philosophic missionaries and theologians with whom Professor Dill seems inclined to class him.

Mr. Henderson's portrait of Seneca strikes us as truer to life; our quarrel with him is that he lays too much stress on Seneca as a philosopher, and consequently on the inconsistency of much in his way of life with his philosophic pretensions. The truth, so we are inclined to think, is that Seneca has been unfortunate in more ways than one. In the eyes of the writers of the next two generations he was part of a régime which had passed away, with its exuberant vitality, its excesses, its splendours, and its crimes. Tacitus's generation was all for simplicity and severity, alike in habits of life and in literary style. They looked back, where Seneca's contemporaries looked forward; they lived in a quieter, safer, but also a more prosaic present. Therefore, as orator

and writer, Seneca went out of fashion. A second misfortune for Seneca was the manner of his death. The circumstances attending it gave him a place on the roll of stoic martyrs, and labelled him philosopher for all time. The inevitable consequence was to draw attention to the many points in which he fell lamentably short of the philosophic ideal as understood in the second century. These supposed inconsistencies became naturally a favourite theme with his depreciators, and they have influenced opinion about him ever since. Even the close relationship in which he stood to Nero was judged in the light of Nero's later excesses and crimes.

Yet a careful reading of Tacitus and of Quintilian makes it clear that it was not as a philosopher that Seneca won his fame. It was for his learning that he was chosen to be Nero's tutor by Agrippina, who shared the view held by Seneca's own mother, and by the mother of Agricola, that philosophy was a thing of which a Roman gentleman might easily have too much. To the elder Pliny, an encyclopaedist himself, Seneca is the 'prince of scholars'. Quintilian praises his wide and varied knowledge, but adds, 'he was no great student (*diligens*) of philosophy.' It was, in short, as an erudite scholar that he was pre-eminent. With his erudition went, as we learn, a singular facility of speech and a courtly urbanity of manner, neither of them attributes characteristic of the professed philosopher. In spite of his wealth and the splendour of his surroundings, his personal habits were simple; but the simplicity was far more probably due to the 'provincial frugality' of his Spanish home than to any deliberate asceticism. He was no dreamer or mystic, but a shrewd and successful man of business. In his writings he moralizes gracefully, if at somewhat wearisome length; but he is most at home when curiously inquiring into natural phenomena, the origin of the Nile flood, or the causes of earthquakes.

If we dismiss the claim put forward on his behalf, mostly by later writers, to rank as a professor of philosophy we may also dismiss many of the worst charges brought against his

private life and conduct. He was vain, as scholars have been before and since; he was a courtier; but in paying court even to powerful freedmen he did not stand alone, as the tales of Vespasian prove. The grosser accusations against him rest mainly on the well-known denunciation of his life and character in Dio; but in this passage, as a comparison with Tacitus shows, Dio or his epitomator merely reproduces the bitter invectives hurled at Seneca by the informer Suillius.

Seneca, as he appears to us, was neither a confessor administering consolation to souls in distress, nor yet a professing philosopher whose philosophy was artificial, and whose private life was unworthy of his profession. He was a man of learning and letters, pre-eminent in his generation for varied knowledge and ready speech, and sharing with his contemporaries their somewhat florid tastes and their want of interest in antiquity; he was kindly and courteous, sometimes to excess; he loved money, and was a shrewd man of business; but he retained also other qualities even more characteristic of the provincial bourgeois, simplicity of life and strong family affections. Fate, or the good judgement of Agrippina, gave him a colleague, a provincial like himself, Afranius Burrus, bred, as the Vaison inscription has told us, a soldier, then, for at least twenty years, a trusted agent in the household of the Caesars, and finally promoted to the prefecture of the praetorium. With Burrus his alliance was close and unbroken—'a rare thing,' remarks Tacitus, 'between colleagues in power'—and together for five years they directed the policy of the state and held in some check the wild impulses of Nero.

IV

PROBLEMS IN THE CONSTITUTION OF THE PRINCIPATE

(1) PRINCEPS OR PRINCEPS SENATUS?[1]

THE title of 'princeps' borne by the Roman Emperors has been generally explained as an abbreviation of the fuller title 'princeps senatus', and the latter is usually supposed to have been conferred upon, or assumed by, Augustus as a conveniently constitutional designation and one which would not be likely to wound Roman susceptibilities by any military or despotic associations connected with it. Now that the majority of the emperors, and very possibly all, at any rate all the earlier ones, were 'principes senatus' may be granted at once; but are we to look in this quarter for the origin of the widely-used title of 'princeps', or is this something perfectly distinct and independent?

That 'princeps' was merely 'princeps senatus' written short is the view taken by Merivale, Romans under the Empire, chap. 31, by Bekker and Marquardt, in their Römische Alterthümer, II. iii. 282, 293, and I believe by most authorities (e.g. Capes, Early Empire, p. 13). The opposite theory that 'princeps' is a perfectly distinct title is adopted by Rein (Pauly, Real-Encyclopädie, s. v. Princeps) and more recently by Prof. Mommsen in his Römisches Staatsrecht [ed. 3, ii. 750, 775]. By neither, however, are their reasons for their own view given at all fully, or the rival hypothesis and its grounds discussed. Yet the issue involved is not merely the precise origin of a particular title, for with each of the two

[1] [Journal of Philology, vol. viii (1879), pp. 323–33.]

theories we have mentioned is naturally connected a particular view of the system of government which Augustus established, and in this respect it becomes extremely important to decide whether Augustus really posed before the Roman public as 'Father of the Senate', or as 'First Citizen',[1] in other words, as the leader of the Roman nobility, or as the elect of the Roman people. Did he, as for instance Pertinax did afterwards, merely profess to associate the senate with himself in the government of the empire, or did his constitutionalism rest on a wider and a more popular basis?

The first of the two theories we are considering is most fully stated by Merivale (l. c.). According to him the title of 'princeps senatus' or 'princeps' was selected as conveying 'the idea of the highest civil pre-eminence consistent with the forms of the old constitution', an idea, by the way, conveyed, as we shall see, by 'princeps', but not at all by 'princeps senatus'. 'It was the policy of Augustus to lead the senate, the chosen instrument of his will, by indirect agency.' The title, moreover, was 'modest and constitutional' and at the same time connected its bearer with the aristocratical party. Then, according to our author, followed the abbreviation of the title, the original character of the appellation was forgotten and its proper limits merged in a vague and general notion of pre-eminence. And this change is already accomplished early in the reign of Tiberius, so that after the death of Augustus at any rate the title, on Merivale's own showing, is simply 'princeps', and nothing more, and implied, or was understood to imply, no sort of connexion with the senate in particular. According to the other, and as I believe the truer, view, this notion of general pre-eminence is the original and the only one contained in the title, and the supposed abbreviation is simply a myth.

Is there then any evidence for the assumption that 'princeps' was originally 'princeps senatus'? Merivale apparently thinks the abridgement so easy and natural a one as scarcely

[1] Mommsen, Staatsr. [l. c. p. 750], 'der erste der Bürger.'

to require any external proof, but on turning to Bekker and Marquardt, it becomes clear that virtually the only ancient authority for this view is Dio Cassius, from whom three passages are quoted in support of it. The first is in Bk. 53. 1, where Dio is describing the measures taken by Augustus in 726 A. U. C., 28 B. C. He there states that the latter *καὶ τὰς ἀπογραφὰς ἐξετέλεσε, καὶ ἐν αὐταῖς πρόκριτος τῆς γερουσίας ἐπεκλήθη*, a statement which proves nothing more than the acknowledged fact that Augustus was 'princeps senatus' and does not necessarily identify this title with that of 'princeps'. Secondly, in Bk. 57. 8 we are told that Tiberius adopted for general use the title of Caesar, adding occasionally that of Germanicus, and that further *πρόκριτός τε τῆς γερουσίας κατὰ τὸ ἀρχαῖον καὶ ὑφ' ἑαυτοῦ ὠνομάζετο*. Here Dio does apparently intend to identify the general title of 'princeps' with the more special 'princeps senatus': for he goes on to quote in illustration a common saying of Tiberius, *ὅτι δεσπότης μὲν τῶν δούλων, αὐτοκράτωρ δὲ τῶν στρατιωτῶν, τῶν δὲ δὴ λοιπῶν πρόκριτός εἰμι*, which, however, is, if anything, unfavourable to his own view, in so far as Tiberius himself here connects the title not with the senate, but with the general mass of citizens. In the third passage, Bk. 73. 4, we are told that Pertinax (193 A. D.) *ἔλαβε τάς τε ἄλλας ἐπικλήσεις τὰς προσηκούσας καὶ ἑτέραν ἐπὶ τῷ δημοτικὸς εἶναι βούλεσθαι· πρόκριτος γὰρ τῆς γερουσίας κατὰ τὸ ἀρχαῖον ἐπωνομάσθη*. And this passage implies that in fact Pertinax assumed the new, or rather the obsolete, title of 'princeps senatus', and not the ordinary title 'princeps'. That he really did so is proved, as will be seen further on, by the evidence of the inscriptions: and I hope to show also why the assumption of this title was naturally regarded by Dio as expressive of Pertinax's popular tendencies, and may even have been so regarded by that emperor himself. But as evidence for the connexion between 'princeps' and 'princeps senatus' the passage is of little value. Granting, however, what these three passages barely prove, that Dio himself believed in such a connexion, this belief of

his may have been a mistaken one, and in Dio's time such a mistake was eminently natural and likely.

But setting aside for the moment the opinion of Dio, let us pass to one or two other considerations which appear to tell strongly against Merivale's theory.

And first of all, if 'princeps' is an abbreviation of 'princeps senatus', the abbreviation must have taken place remarkably early, for no trace exists of the full title as applied even to Augustus. So far as the evidence of literature and of the inscriptions goes the title is from the first 'princeps' and nothing more. Ovid and Horace use 'princeps', but with no hint of an understood 'senatus'.[1] It must have been 'princeps' alone that Strabo translated by ἡγεμών, nor can it be the principate of the senate merely to which he refers when he tells us that his country committed to Augustus τὴν προστασίαν τῆς ἡγεμονίας.[2] The title is 'princeps' only in Velleius Paterculus, as well as in Tacitus and Suetonius. And by no writer of the first century after Christ is the slightest hint dropped that this familiar appellation of 'princeps' had any connexion whatever with its supposed original.

Now had the 'princeps senatus' of Republican times been generally known and addressed in Rome as simply 'princeps', the suppression of the latter half of the title in the case of the Emperors would have been quite intelligible. But of this there is no proof whatever: and on the contrary when Republican writers use the term 'princeps' by itself, in no case is any reference intended to the 'princeps senatus': whereas in the comparatively few passages where the latter is mentioned the title is given in full.[3]

Turning to the inscriptions, we find in the first place that 'princeps senatus' occurs in connexion with one emperor

[1] Ovid, Fasti, 2. 142; Hor. Od. 1. 2. 5; Mommsen, Staatsr. [l. c. 774, note 6].

[2] Strabo, 17. 3; for ἡγεμονία as equivalent to 'principatus' see Mommsen, l. c.

[3] Except in such a passage as Livy 27. 11, where the context places the meaning beyond doubt.

only, the emperor Pertinax,[1] of whom we are explicitly told that he assumed this title. Secondly, had 'princeps', as Merivale's theory would imply, been strictly an official designation, we should have expected to find this form at least, if not the fuller one, among those imperial titles which are usually prefixed or appended to the emperor's name. But only in one instance during the first century do we find 'princeps' included in these almost stereotyped lists of imperial honours and offices.[2] This is intelligible enough if it was merely a title of courtesy, expressive of nothing more special than pre-eminent dignity, and that this was so is made clearer still by its use in the comparatively few inscriptions in which it occurs. On consulting the Monumentum Ancyranum, we find that in chapter vii Augustus mentions his having been for 40 years 'princeps senatus', *πρῶτον ἀξιώματος τόπον ἔσχον τῆς συνκλήτου*, but when in chapter xiii he alludes to his general principate, the Latin version has simply 'me princi[pe]', which the Greek consistently renders *ἐπὶ δὲ ἐμοῦ ἡγεμόνος*. Similarly, chapter xxx, we get in the Latin '[a]nte me principem', and in the Greek *πρὸ ἐμοῦ ἡγεμόνος*. The other inscriptions in question suggest the same idea of a title of courtesy which was 'princeps' and nothing more. Thus, in C. I. L. v. 4867 Commodus is 'nobilissimus princeps', and ibid. 4318, 'fortissimus princeps.' So, too, Tiberius is spoken of as 'principis et conservatoris' (C. I. L. ii. 2038), and Domitian as 'optumi principis' (Wilm. Ex. Inscr. Lat. 95). In short, there is nothing in the inscriptions to suggest that the title was ever anything but 'princeps', or that it ever denoted any specific official functions.

Lastly, Merivale himself allows[3] that in post-Augustan literature the term never conveys any idea but that of constitutional pre-eminence, though he contends unreasonably,

[1] C. I. L. ii. 4125; [Mommsen, Staatsrecht (ed. 1887), ii. 895, note].

[2] A decree of the senate in honour of Titus 'principi suo', C. I. L. vi. 944 = Wilmanns, Ex. Inscr. Lat. 922. For the emperors' full official style see Acta Fratrum Arvalium passim.

[3] Romans under the Empire, chap. xxxi.

as I think, that this later use was a perversion of its original meaning.

We have next to consider how far it was likely that Augustus would have selected 'princeps senatus' as the appellation by which, above all others, he was to be known and addressed. For this a title was needed that should not merely be inoffensive, but should at once carry with it the requisite amount of dignity and clearly express the leading idea of the new system. For these purposes 'princeps senatus' would have been utterly inadequate and misleading. It is not clear that any great prestige had ever attached to the position of 'Father of the Senate' outside the walls of the senate-house itself. Nor had the office ever played a prominent part in Roman politics, while it had recently become almost obsolete.[1] And if its general reputation was neither very exalted nor very widespread, the actual powers it conferred were extremely limited and shadowy, for after all the possible privilege of giving his 'sententia' before the rest was of little value to the emperor, who as consul could state his views fully in introducing a question to the senate at the very opening of the sitting.[2] That the emperor's name should head the roll of senators was natural enough, but that Augustus should have made this position typical of his presidency of the Roman Commonwealth it is difficult to believe. But the fact that 'princeps senatus' was too weak a title to bear the strain which Merivale puts upon it is not the only objection to his theory. The attitude implied in its adoption would have been inconsistent with the fundamental principles of Augustus's policy. He professed to be restoring the old Republic in its entirety, and not merely, as Sulla had temporarily succeeded in doing, establishing a senatorial government. What his

[1] Since the death of Q. Lutatius Catulus, 60 B. C.

[2] According to the usual procedure in Cicero's day, not only had the 'consules designati' a preferential claim to be asked first, but in default of these the presiding magistrate seems to have exercised his own discretion in the matter. See Rein, Pauly's Real-Encycl. s. v. Senatus.

advent to power marked was not the final triumph of one of the two parties whose rivalry had for a century distracted the state, but the absorption of them both in a united and restored Republic. The adoption by Augustus of the title of 'Father of the Senate' would have been a direct challenge to the democrats and almost a confession that after all he was at heart a Sulla. For we must remember that when Augustus inaugurated the principate, the senate was still associated inseparably with one party in the state: and was by no means generally regarded as representing the Republic as a whole. It was not till the comitia had ceased to exist, and the 'Populus Romanus' become a mere name, that the senate stood forth as the one centre of Republican sentiment in Rome, and the one representative of the institutions of the free commonwealth. It was natural enough that Pertinax, living in days when the struggles of optimates and populares had been forgotten, and when the senate seemed the only remaining obstacle to absolute despotism, should adopt as a popular measure the title of 'princeps senatus'.[1] It is equally inconceivable that Augustus should have done so in the presence of men who remembered the Sullan restoration, and who must have associated the supremacy of the senate not with Republican freedom, but with the rule of a hated oligarchy.

And the same change in the condition of affairs which explains the policy of Pertinax explains also Dio Cassius's misconception of the true significance of the title 'princeps'. He wrote, as Pertinax ruled, when all Republican traditions had been absorbed by the senate as the only surviving Republican institution which retained even the show of independence. And finding, as he must have done, that the title symbolized a constitutional and civil government as opposed to a military despotism, he easily enough inferred that its constitutionalism consisted in recognizing what the opponents of Imperialism in the second century so ardently upheld, the right of the senate to be regarded as joint-sovereign with the

[1] Dio Cass. 73. 5.

emperor himself. But this 'duarchy' of emperor and senate[1] is post-Augustan. Its commencement dates from the suppression of the comitia by Tiberius, and it is utterly inconsistent with that complete restoration of the old Republic which Augustus himself claimed to have accomplished.

But what are the arguments for the rival theory, for the view that 'princeps' is a complete title, with the meaning not of 'Father of the Senate', but of 'First Citizen'? It has in its favour first of all the use of the term by Republican writers. Instances will be familiar to all in which 'princeps' and 'principes' are applied to a citizen or to citizens holding at the time a foremost place in the state; but it has not been sufficiently noticed that we find also instances in which there is a very close approximation to the Augustan sense of the term—and an almost literal anticipation of the Augustan 'principatus'. In other words, it seems that before the time of Augustus men had already grasped the idea of placing at the head of the Republican system a constitutional primate —a first citizen—as the best means of securing administrative stability and order without relinquishing Republican freedom. No man could be more entirely devoted to the old constitution than Cicero, and yet Cicero himself seems to have contemplated with approval the addition to the existing system of a 'princeps', as necessitated by the anarchical confusion which prevailed. The De Republica was apparently written between the years 54 B.C.–51 B.C.,[2] a period during which the powerlessness of the old constitutional authorities to enforce order had become only too evident. Rumour in Rome suggested

[1] As to the claim of the senators to be ὁμότιμοι with the emperor, see Dio, 67. 2. Mommsen, Staatsr. ii. 900 [ed. 3, p. 962], speaks of 'die Dyarchie Augusts', but apparently only with reference to the co-ordinate criminal jurisdiction of emperor and senate. In any wider sense the term is certainly inapplicable to the Augustan system. [Mommsen regards Augustus as founder of the Dyarchy in the widest sense (Staatsrecht, ii. 748, &c.) and Tiberius as its completer.]

[2] Teuffel, Gesch. d. röm. Lit. sec. 184, where the authorities are fully given.

the appointment of Pompey as dictator,[1] and in 52 he was actually made sole consul. In significant connexion with this state of affairs we find that Cicero introduced into his sketch of an ideal polity a novel figure, that of a single 'moderator reipublicae';[2] such, no doubt, as he hoped Pompey might have proved himself, but such as, by Cicero's own reluctant confession, he signally failed in being.[3] An important link between this 'moderator reipublicae' and the Augustan 'princeps' is supplied by a passage in Augustine, De Civ. Dei, 5. 13, where he alludes to that part of Cicero's De Republica, 'ubi loquitur de instituendo principe civitatis.' It is at least possible that Augustine is here quoting the actual title of this part of the work, but even if he is not, clearly Cicero's 'moderator' must have been sufficiently like a 'princeps', as Augustine understood the term, to suggest the latter as its equivalent. That Cicero, however, may himself have used 'princeps' or 'princeps civitatis' in this sense is rendered more probable by a passage in his letters, where the word is distinctly used to express the idea of constitutional primacy in a free state. Cicero, writing in 46 B.C., is contrasting Caesar's unconstitutional position as dictator with what might have happened had his own advice been taken three years before, and the final rupture thus avoided. Caesar would never have put himself out of court by crossing the Rubicon—he would not, it is true, have been the military despot he had since become—but he might have enjoyed the great position of first citizen, 'esset hic quidem clarus in toga et princeps' (Ad Fam. 6. 6). The idea of simple primacy, though without the distinctive element of constitutional rule, appears again Ad Att. 8. 9 (49 B.C.), where Caesar is said to wish for nothing

[1] Plut. Pomp. 54.

[2] Ad Att. 8. 11 'tenesne igitur moderatorem illum reipublicae quo referre velimus omnia? nam sic quinto, ut opinor, in libro loquitur Scipio: "Ut enim gubernatori cursus secundus,... sic huic moderatori reipublicae beata civium vita proposita est"'.

[3] Ad Att. l. c. 'hoc Gnaeus noster cum antea nunquam tum in hac causa minime cogitavit'.

better than 'principe Pompeio sine metu vivere',[1] and Ad Fam. 9. 17 (46 B. C.), where Caesar himself is spoken of as 'ipsum principem'. Once more, if Suetonius may be trusted, Caesar actually used the term 'princeps civitatis' of himself in 51 B. C., 'difficilius se principem civitatis a primo ordine in secundum quam ex secundo in novissimum detrudi' (Suet. Jul. 29). It may then be safely assumed that the notion of a First Citizen at the head of affairs, of a 'princeps' or 'princeps civitatis', was already familiar to the Roman public when Augustus set to work to reorganize the shattered fabric of the state.

And it is easy to show how closely the 'principatus' which he established corresponded with the ideas already connected with the term. By Imperial writers it is carefully distinguished from 'dominatio', 'regnum,' and 'dictatura' as a constitutional authority.[2] It describes in particular the emperor's relation to his fellow-citizens, as himself only the foremost among them, 'dominus in servos, imperator in milites, princeps in cives',[3] or as Pliny puts it,[4] 'obsequeris principi civis, legatus imperatori.' Of Vespasian's letters to the senate Tacitus remarks,[5] 'ceterum ut princeps loquebatur civilia de se et reipublicae egregia.' Again, the title clearly carried with it the notion rather of general pre-eminence and supervision than of any specific official authority. With Strabo's ἡ προστασία τῆς ἡγεμονίας,[6] we may compare on this head the words of Tiberius himself,[7] 'non aedilis aut praetoris aut consulis partes sustineo, maius aliquid et excelsius a principe postulatur.'

With this view of the nature of the 'principatus' agrees also what we know of Augustus's own aims in its establish-

[1] Cf. Ad Fam. 1. 9 'cum autem in republica Cn. Pompeius princeps esset'.

[2] Tac. Ann. 1. 9 'non regno tamen neque dictatura sed principis nomine constitutam rempublicam'. Ovid, Fasti, 2. 142.

[3] The obvious original of the passage in Dio, 57. 8.

[4] Plin. Paneg. 9; cf. ibid. 45 'scis ut sunt diversa natura dominatio et principatus'.

[5] Tac. Hist. 4. 3. [6] Strabo, 17. 3. [7] Tac. Ann. 3. 53.

ment. The problem before him was that of reconciling with the old Republican system an executive authority capable of ensuring order. That the latter was needed the anarchy of twenty years sufficiently proved,[1] that the former could not be violated with safety had been shown by the fate of Julius. His solution of the problem was, as I have said, much what we may imagine Cicero to have sketched by anticipation in the De Republica. The old system was restored, 'restituta vis legibus, senatui maiestas, antiqua reipublicae forma revocata,'[2] or as he says himself, 'rempublicam ex mea potestate in Senatus Populique Romani arbitrium transtuli';[3] but to it was added a chief magistrate chosen by the people and subject to the laws, but pre-eminent above all others in the state, 'post id tempus praestiti omnibus dignitate.'[4] To this high dignitary belonged special powers, and therefore special titles, he was imperator, consul, &c.; but to describe his general relation to the whole citizen body—as merely the first of themselves—no term was so suitable as that of 'princeps', recalling as it did what Pompey for a short time was, and what Julius might have been. Such was the system established by Augustus, 'quis pace et principe uteremur.'[5] It was an attempt to reconcile the requirements of a vast empire and a distracted commonwealth with the cherished traditions of the Republic. By the side of the senate, at the head of the magistracy, was placed the 'princeps', the elect of the people like his fellow magistrates,[6] like them bound by the laws unless specially exempted,[7] and known to the Roman community not by the inappropriate title of 'Father of the Senate', but as the First Citizen of the State. It was a solu-

[1] Tac. Ann. 1. 9 'non aliud discordantis patriae remedium quam ut ab uno regeretur'.

[2] Vell. 2. 89.

[3] Mon. Ancyr. ch. xxxiv.

[4] Mon. Ancyr. ibid.

[5] Tac. Ann. 3. 28.

[6] Tac. Ann. 1. 7, of Tiberius, 'ut vocatus electusque potius a republica videretur.' Suet. Otho 7 'gesturus communi omnium arbitrio'. Cf. Gaius, 1. 5 'cum ipse Imperator per legem imperium accipiat'.

[7] For the case of Vespasian see Mommsen, Staatsr. ii [ed. 3, 750, note 2].

tion of the great difficulty which besets a popular government, which more recent Republics have in principle adopted. The Presidents of the United States[1] and of the French Republic so far hold the position which Augustus claimed for himself. That the Augustan principate remained for a short time only true to its original theory was a result due to the same causes which led to the absorption of the Republic of Rome in the Roman Empire.

(2) THE 'IMPERIUM' OF AUGUSTUS AND HIS SUCCESSORS[2]

I. *The Renewal of the 'Imperium'*

ACCORDING to Dio (53. 12), in 28–27 B. C. the senate and people offered to confirm to Augustus for an indefinite period the wide command over provinces and legions which he had held by general consent since 31 B. C. (M. Ancyr. L. vi. 13 'per consensum universorum potitus rerum omnium'). But at Augustus's own request this 'imperium' was doubly limited. It was restricted in area to certain provinces (the 'provinces of Caesar') selected, no doubt, in the first instance by Augustus himself,[3] and its duration was fixed at ten years (Dio, 53. 13). On the expiration of this period (Jan. 1, 727/27—Dec. 31, 736/18) it was, according to Dio (53. 16),

[1] See De Tocqueville, Democracy in America (1862), i. 128.

[2] [Journal of Philology, xvii (1888), pp. 27–52.]

[3] Dio l. c. τὰ μὲν ἀσθενέστερα . . . ἀπέδωκε . . . τὰ δ' ἰσχυρότερα . . . κατέσχε. Suet. Aug. 47 'validiores ipse suscepit, ceteras proconsulibus permisit'. But the fact implied here that the division was proposed by Augustus does not exclude a vote of senate and people confirming the arrangement. Nor is it safe to lay stress, as Mommsen does, Staatsr. ii [ed. 3, p. 745, note 2], on Tacitus's phrase 'dedit iura' (Ann. 3. 28) as excluding such a confirmatory vote. The phrase is materially but not formally correct, and is a natural one in the mouth of a writer living under Trajan. Augustus was no doubt as anxious as Tiberius 'ut vocatus electusque a republica videretur' (Ann. 1. 7).

renewed for successive periods of 5, 5, 10, and 10 years.[1] His successors received it for life, but the form of renewal was maintained by the celebration of the 'decennalia'. Mommsen, Staatsrecht [ii. 794], treats the limitation of time as one which had no legal force, but merely expressed Augustus's voluntary intentions and placed no real term to his tenure of the imperium. That in fact the decision rested with Augustus may be admitted at once—but the periodic renewal seems nevertheless to have had more reality about it than Mommsen allows.[2]

It is noticeable, firstly, that when the time for the renewal comes round, not only Augustus but his colleague for the time being, Agrippa or Tiberius, is personally present in Rome, and on some occasions it looks as if they had returned on this account. Thus Augustus's return from the East (Oct. 735/19) and from the West (741/13) immediately preceded the first and second renewals of his imperium.

It is of far more importance to observe that the commencement of each new period of Augustus's imperium is accompanied by certain acts which seem to indicate the beginning of a fresh lease of power.

To begin with, the terms for which the 'imperium' was granted to Augustus's colleagues, Agrippa and Tiberius, coincide with those of the renewal of his own authority. It is possible, to follow Mommsen's highly probable suggestion, that Agrippa first received the proconsular imperium in 23,[3] the year, it should be noticed, in which Augustus's own position was resettled on a somewhat different basis. For it was in the autumn of this year that Agrippa was sent

[1] These renewals would naturally involve only a 'prorogatio imperii' (Stobbe, Philol. 32. 14, 15).

[2] Such is, I gather, the opinion of O. Hirschfeld, Untersuchungen, p. 7 [ed. 2, p. 8]. The title 'imperator perpetuus' (Orelli, 618) merely describes truly enough the fact of Augustus's continuous tenure. [It is, moreover, doubtful whether 'imp. perpet.' in this inscription are to be taken together, C. I. L. x. 7501, Dessau 121.]

[3] Mommsen, Staatsr. ii. 1059, note 3 [ed. 3, p. 1151, note 5].

out to take charge of the Eastern provinces, as διάδοχος Καίσαρι, and his ten years' rule of them dates from this period.[1]

The first renewal of Augustus's 'imperium' for five years took place in 736/18 (Dio, 54. 12), and in the same year Agrippa was granted 'equal powers with Augustus and the tribunician power for the same period'. By 'equal powers' (ἄλλα τε ἐξ ἴσου πῃ ἑαυτῷ) is clearly meant 'imperium proconsulare', and we consequently read that Agrippa was shortly afterwards dispatched to resume the command in the East (Dio, 54. 19) which had been only interrupted by a brief visit to Gaul and Spain and by his return to Rome, presumably for the ceremony of renewal.

The second renewal of Augustus's imperium, again for five years, took place in 741/13, and that a similar renewal was granted to Agrippa may be inferred from the fact that he was now sent to command in Pannonia with a 'maius imperium' (Dio, 54. 28 μεῖζον τῶν ἐκασταχόθι ἔξω τῆς Ἰταλίας ἀρχόντων).

In 746/8 Augustus's imperium was renewed a third time, and for ten years (Dio, 55. 6). At the same time Tiberius received τὴν τοῦ αὐτοκράτορος ἀρχήν, i.e. probably the 'imperium proconsulare',[2] and took command on the Rhine.

The fourth renewal occurred in 756/3 A.D. (Dio, ap. Xiphil. 84), and either in this or the following year[3] Tiberius's 'imperium' was also renewed, and he was sent to 'pacify Germany' (Suet. Tib. 16).

In 766/13 A.D. Augustus's imperium was renewed for the

[1] Josephus, Antiq. 15. 9, 10; 16. 3. It is indeed possible that Agrippa's colleagueship may date back as far as the inaugural year of the principate, 727/27 B.C. At any rate the significant dropping of the 'nomen gentilicium' (Mommsen, Staatsr. ii. 1043 [1148]) dates apparently from that year. Wilmanns, Ex. Inscr. Lat. 731. Cohen, Médailles, i, p. 175. [Seneca Controv. 2. 12 (4). 13 'Vipsani nomen quasi argumentum paternae humilitatis sustulerat'. But the coins and the Pantheon inscription do not date the step to B. C. 27.]

[2] Mommsen, Staatsr. ii. 1051 [ed. 3, p. 1152].

[3] Tiberius's adoption by Augustus took place on June 27, 757/4 A.D. Vell. Pat. 2. 103. Cf. Tac. Ann. 1. 3.

last time (Dio, 56. 28), and in the same year Tiberius was expressly associated with Augustus as 'collega imperii'.[1]

A similar connexion with these periods of Augustus's imperium is observable in the grants made to Agrippa and Tiberius of the 'tribunicia potestas'. This was given to Agrippa in 736/18 (Dio, 54. 12) and in 741/13 (ibid. 54. 28), i.e. at the commencement of the second and third periods. At the commencement of the fifth period, 756/3 A.D. (Dio, 55. 13), and of the sixth, 766/13 A.D. (Dio, 56. 28), it was given to Tiberius. The one exception to the rule is the original investiture of Tiberius with this authority in 748/6 in connexion, apparently, with his mission to Armenia (Dio, 55. 9). It is consequently clear that the successive terms for which Augustus's own imperium was renewed determined those of the powers granted to his colleagues.

In the Monument (M. Anc. chapter viii) Augustus tells us that he three times held a census, and here again the coincidence with the periods of his imperium is noticeable. The first census was in 726/28, the year in which he laid down his anomalous powers. The second was in 746/8, at the commencement of the fourth period; the third was completed in May, 767/14 A. D., but must have been begun in 766/13 A. D. at the commencement of the sixth period.[2] The same rule of coincidence holds good of the 'lectiones senatus'. Of these the Monument (chap. viii) gives three, but assigns no dates. Suetonius (Aug. 35) mentions two. The first of these held 'ipsorum arbitratu' is evidently the one placed by Dio (52. 42) in 725–6/29–28, when, as he says, the senators were made their own judges ἐκ τοῦ συνεδρίου. The second, in which, according to Suetonius, Augustus was assisted by Agrippa, is that held at the commencement of the second period of the imperium in 736/18, when Agrippa was,

[1] Vell. 2. 121 'ut aequum ei ius in omnibus provinciis exercitibusque esset'. Cf. Suet. Tib. 21.

[2] The lustrum was closed in 767/14 (M. Anc. l. c.) 100 days before Augustus's death on Aug. 19 (Suet. Aug. 97, Dio 56. 59).

as we have seen, 'collega imperii' and 'consors tribuniciae potestatis'. Dio (54. 12–14), who mentions a 'lectio' in this year, mentions also the fact noticed by Suetonius that Augustus wore a cuirass beneath his tunic. Two more 'lectiones' are given by Dio, one in 741/13 (54. 26), at the commencement of the third, and another in 757/4 A. D. (55. 13) at the commencement of the fifth period. To bring the four lectiones of Dio into agreement with the three of the Monument, Mommsen rejects as spurious the 'lectio' of 741/13,[1] but in any case the dates of the 'lectiones', like those of the 'lustra', coincide with the periodic renewals of the imperium.

Lastly, on two occasions the close of a period was marked by an attempt to induce Augustus to accept some new form of authority. According to the Monument (chapter vi) in 735–6/19–18 he was invited by senate and people to accept the 'cura legum et morum',[2] but refused. According to Dio (54. 10 sqq.) he was actually elected 'curator morum' for five years in 735/19. Dio is unquestionably wrong as to the acceptance, but the agreement as to the date of the offer is significant. The renewal of the imperium for a third period (741–746) was closely followed by a repetition of the offer. According to Dio (54. 30) Augustus was again elected 'curator morum' for five years in 742/12. According to the Monument, he was offered the post in 743/11, but refused it.

The following schedule will show the extent of these significant coincidences.

(1) 726–7/28–27. The inauguration of the principate.
Augustus's imperium confirmed for ten years.
Census and lectio senatus.

[1] Mommsen, ad Mon. Ancyr. (ed. 2) p. 35.

[2] ἵν[α ἐπιμε]λητὴς τῶν τε νόμων καὶ τῶν τρόπων ἐ[πὶ τῇ με]γίστῃ [ἐξ]ουσ[ίᾳ μ]ό[νο]ς χειροτονηθῶ, M. Anc. ch. vi.

(2) 735–6/19–18.	Renewal of imperium for five years.
	Agrippa receives imperium proconsulare for five years.
	Agrippa receives tribunicia potestas for five years.
	Lectio senatus.
	Cura legum et morum offered and refused.
(3) 741–2/13–12.	Renewal of imperium for five years.
	Renewal to Agrippa of imperium proconsulare.
	Renewal to Agrippa of tribunicia potestas.
	Lectio senatus (? Dio).
	Cura legum et morum offered and refused (in 743/11 Mon. Anc.).
(4) 746/8.	Renewal of imperium for ten years.
	Tiberius receives imperium proconsulare.
	Census.
(5) 756/3 A. D.	Renewal of imperium for ten years.
	Renewal to Tiberius of imperium proconsulare.
	Renewal to Tiberius of tribunicia potestas.
	Lectio senatus.
(6) 766/13 A. D.	Renewal of imperium for ten years.
	Renewal to Tiberius of imperium proconsulare.
	Renewal to Tiberius of tribunicia potestas.
	Census.

II. '*Imperium consulare*' and '*proconsulare*'

Dio's statement (54. 10) that in 735/19 Augustus received the consular power for life was until recently generally

accepted, and by the great majority of writers[1] this 'consularis potestas' has been regarded as the domestic counterpart to his 'imperium proconsulare' rendering him 'supreme over the citizens in Rome',[2] just as the other made him master of the provinces and legions abroad. But I fully agree with Mommsen[3] that Dio has misunderstood his authorities, and that what Augustus then received was, not a 'consular power', distinct from his so-called 'imperium proconsulare', but the consular insignia, the fasces, and the consular seat. Dio's own language indeed points to this conclusion, *τὴν δὲ τῶν ὑπάτων [ἐξουσίαν] διὰ βίου ἔλαβεν, ὥστε καὶ ταῖς δώδεκα ῥάβδοις ἀεὶ καὶ πανταχοῦ χρῆσθαι, καὶ ἐν μέσῳ τῶν ἀεὶ ὑπατευόντων ἐπὶ τοῦ ἀρχικοῦ δίφρου καθίζεσθαι.* A similar grant had been made to him in 711/43,[4] and now that he had definitely abandoned the consulship itself, these insignia would be of value, as placing him on an equality in outward rank with the consuls, just as in 731/23 and 732/22 he had regained by a special vote the prior rights of convening and of reference to the senate, which were attached to the consulship.[5] On the other hand no ancient authority except Dio mentions a grant of 'consular power for life', though had there been one Augustus could scarcely have omitted to notice it when he states that he refused the *ὑπατείαν καὶ ἐνιαύσιον καὶ διὰ βίου* offered to him in 732/22,[6] or Suetonius (Aug. 26) when speaking of Augustus's consulships.

But the truth is that at the bottom of the theory of this distinct 'consularis potestas' lies the notion that the consular

[1] e. g. Merivale, iii. 455. Madvig, Verfassung d. röm. Staates, i. 538. Stobbe, Philologus, xxxii. 12.

[2] Merivale, l. c. Cf. Furneaux, Annals, vol. i, Introd. p. 67 (ed. 1).

[3] Mommsen, Staatsr. ii. 813, note 1 [872, note 2 in ed. 3].

[4] Livy, Ep. 118 'propraetoris imperium cum consularibus ornamentis'. He also received 'consularem locum sententiae ferendae' in the senate. Mon. Anc. chapter i.

[5] Dio 53. 32; 54. 3. See also below under sec. 3.

[6] Mon. Anc. chap. v.

authority had, by the end of the Republic, become in law, as well as in fact, an urban, domestic, and civil authority.[1] The notion, however, is a mistaken one. 'Consularis potestas' is, as Mommsen has shown,[2] precisely the same thing as 'consulare imperium'. The consul possesses the full 'imperium' with precedence over all other holders of it. In any collision of authority his imperium ranks as 'maius' against praetors and against proconsuls and propraetors.[3] But though his imperium was unchanged in its inherent prerogatives, the consul of the latter days of the Republic was somewhat narrowly restricted in its exercise. The established custom—for there is no trace of a statute[4]—which assigned to the consul the home government in Rome and Italy as his provincia, necessarily rendered dormant the military side of his authority. But the latter was only dormant, and a change in his 'provincia' might at any moment awaken it to activity.[5] More than this, it would seem from a passage in Cicero (ad Att. 8. 15) that in his time the consul was still in theory the chief magistrate of the state, with an imperium ranking above that of all others. Cicero there speaking of the flight of dignitaries from Rome across the sea in 49 declares that, with the exception of Appius, all had the 'ius transeundi', 'nam aut cum imperio sunt ut Pompeius' . . . or 'ipsi consules quibus more maiorum

[1] e. g. Furneaux, Annals, loc. cit.

[2] Mommsen, Staatsr. i. 48 [23, ed. 3] 'man sagt "consularis potestas" eben wie "consulare imperium" und in ganz gleicher Bedeutung'.

[3] Mommsen, Staatsr. i. 56 [25, ed. 3] and the notes.

[4] I cannot, as I have elsewhere explained (Encyc. Brit. art. Rom. Hist. [since republished, Outlines of Roman History (ed. 2, 1895): see p. 216 note]), believe in the existence of a lex Cornelia confining the consuls and praetors to Rome and Italy. But such a law, even if it ever existed, affected, not the nature of the imperium, but that of the provincia assigned to its holder.

[5] e. g. in the case of L. Lucullus, cons. 74 B. C., and M'. Acilius Glabrio, cons. 67 B. C., both of whom as consuls took the field against Mithridates in Asia. Livy, Ep. 94; Dio 36. 14.

concessum est *vel* omnes *adire provincias*'.[1] Nor was it only as a domestic magistracy that Augustus held the consulship during the first five years of his principate. He was consul, but with a 'province' which embraced more than half the empire. By holding this imperium with its wide area as consul, he ranked at once as chief magistrate of the state, without no less than within Rome. For the protection of the plebs, as Tacitus tells us in a passage which Mr. Furneaux has, I think, misunderstood,[2] he contented himself with the tribunicia potestas; for all other purposes the consulship sufficed. The difference between himself and the ordinary consul lay, not in the nature of his imperium,[3] but in the conditions attached to its exercise.

But Mommsen, while recognizing that 'consularis potestas' is only 'consulare imperium' under another name, and that 'consulare imperium' was as much military as civil, insists nevertheless that Augustus did on two occasions at any rate hold a 'consular imperium' distinct from his 'imperium proconsulare'.[4] He relies on the passage in the Monument, in which Augustus tells us that in 746/8 and in 767/13 A. D. he held a census 'consulari imperio'.[5] This 'consulare imperium' Mommsen considers to have been assumed by Augustus for these two occasions only. But there is no hint of such an assumption in any of our authorities, and I would suggest that the 'consulare imperium', in virtue of which Augustus held the census, after he had ceased to be consul, was in fact no other than that by which he ruled the provinces and the legions, the

[1] Comp. Cic. Phil. 4. 9 'omnes enim in consulis iure et imperio debent esse provinciae'.

[2] Tac. Ann. 1. 2 'posito IIIviri nomine consulem se ferens et ad tuendam plebem tribunicio iure contentum'. Furneaux, l. c. p. 65.

[3] M. Anc. chap. xxxiv 'potestatis autem nihilo amplius habui quam qui fuerunt mihi quoque in magistratu conlegae'.

[4] Mommsen, Staatsr. ii. 311, 1012 [333, 1098 in ed 3].

[5] M. Anc. chap. viii 'consulari cum imperio lustrum solus feci'. Ib. 'tertium consulari cum imperio lustrum conlega Tib. Caesare filio feci'.

so-called 'imperium proconsulare'. The latter indeed is nothing but 'consulare imperium' wielded by a man who is not consul, but is acting pro-consule; nor does the term 'proconsulare imperium' appear to have been in use at all under the Republic.[1] Even in Trajan's time the authority of Pliny in Bithynia could still be described as 'consularis'.[2] But though the imperium was the same for consul or proconsul, the conditions of its exercise varied in the two cases. According to Republican usage consular imperium could only be wielded in Rome by an actual consul; if its holder held it only 'pro-consule', he could not bring his authority within the pomoerium. On the other hand, it was precisely within these narrow urban bounds that custom ordinarily confined the exercise of the 'consular imperium' by the consul himself.

The imperium then of Augustus which was defined in area and limited in duration in 28 B. C. was like that given to Pompey by the lex Gabinia in 67 B. C. 'consulare', but with an even wider sphere of exercise. This consular imperium he wielded from 27–23 as consul, just as Pompey had wielded his in 52, and so far there was indeed a combination of the spheres usually assigned to the consul, with those usually entrusted to proconsuls, but there was only one imperium. So long as Augustus continued to hold this imperium as consul, it is as consul that he acts ('consulem se ferens', Tac. l. c.), and he therefore naturally states that it was as consul that he held the census of 726/28. On his abdication of his consulship in 731/23 he retained the 'consular imperium', though only 'proconsule'. By

[1] If Lewis and Short [and Meusel and Merguet] may be trusted, the term is not used either in Cicero or Caesar. It is used by Valerius Maximus. Cf. Mommsen, Staatsr. ii. 603, note 1 [647, note 1 in ed. 3] 'in guter Zeit wird dem der proconsule ist, consulare imperium beigelegt, erst die späteren brauchen dafür "imperium proconsulare"'.

[2] As on the inscription, Orelli 1172 'legatus propraetore consulari potestate'. [See C. I. L. v. 5262; Mommsen, Staatsrecht, ii. 244; Bormann in Arch.-epigr. Mittheilungen aus Oest.-Ungarn, xv. 40–43.]

a special vote he was exempted from the disabilities attached to such a proconsular tenure, and in particular was allowed to retain his consular imperium within the city in the presence of the actual consuls, though no longer consul.[1] Armed with this privilege, he held the census in 746/8 and 767/14 A.D. in virtue, as he says, of his 'consular imperium'. It would seem further that on the second of these occasions a similar exemption was granted to Tiberius. He was in possession of consular imperium, but, like Augustus, only pro-consule. But on the renewed grant of it in 766, he was not only specially empowered to act as Augustus's colleague in the provinces, but authorized to assist him in holding the census.[2] In the case of both, their proconsular tenure of the consular imperium was allowed, contrary to usage, to hold good in Rome.

Mommsen has rightly repudiated [3] the notion of a general 'imperatorische Gewalt' distinct from the 'imperium proconsulare'. But it is, I venture to think, equally impossible to draw any distinction between imperium proconsulare and imperium consulare, other than that dependent on the official status of the holder as consul or not. The imperium is in both cases the same—and its proper designation is that given it invariably by Republican writers, and by Augustus himself in the Monument, 'imperium consulare.' The substitution for this older designation of the later 'imperium proconsulare' was possibly facilitated by the events of 23, in consequence of which even in Rome the consular imperium was ostentatiously divorced from the tenure of the consulship and the supreme executive authority of the empire wielded 'pro-consule'. It is at least noticeable in this connexion

[1] Dio 53. 32 *τήν τε ἀρχὴν τὴν ἀνθύπατον ἐσαεὶ καθάπαξ ἔχειν, ὥστε μήτε ἐν τῇ ἐσόδῳ τῇ ἔσω τοῦ πωμηρίου κατατίθεσθαι αὐτήν, μήτ' αὖθις ἀνανεοῦσθαι.*

[2] Suet. Tib. 21 'ut provincias cum Augusto communiter administraret, simulque censum ageret', so Mon. Anc. l. c. Augustus held this census 'conlega Tiberio Caesare'.

[3] Mommsen, Staatsr. ii. 792, note 1 [845, note 3 in ed. 3]. This quite untenable distinction is reasserted by Karlowa, Rechts-Gesch. i. 493.

that it is in describing the events of 23 that Dio first uses the term of the imperium of Augustus himself.

III. *The settlement of* 731/23

So far I have endeavoured to show that Augustus, from 726/28 onwards, possessed but one 'imperium', and that the highest known to the Roman constitution, the 'imperium consulare'. This he held under conditions which gave him all that he needed. His 'provincia' embraced all the troops and half the provinces. His tenure, fixed in the first instance at ten years, was renewable. Finally, he wielded this imperium as consul, and thus not only took precedence of all proconsuls and propraetors abroad, but was chief magistrate in Rome. This view is confirmed by the nature of that resettlement of his position which his renunciation of the consulship in 731/23 rendered necessary, a resettlement fraught with important consequences for the imperial system. It was effected by a series of measures all of which must be considered together if their proper significance is to be understood.

On June 27, 731/23, Augustus laid down the consulship which he had held uninterruptedly since 723/31.[1] The step was unpopular in Rome, but Augustus was firm. Between 731/23 and 736/18 he refused to accept various extraordinary offices which were pressed upon him, a dictatorship, a life consulship, and a 'cura legum et morum'.[2] But while refusing any exceptional office[3] he accepted certain privileges and prerogatives. In 731/23, according to Dio[4], he was (1) declared 'tribune for life', (2) granted the right χρηματίζειν περὶ ἑνός τινος, καθ' ἑκάστην βουλήν, κἂν μὴ ὑπατεύῃ, (3) allowed τὴν ἀρχὴν τὴν ἀνθύπατον ἐσαεὶ καθάπαξ

[1] For the date see Corp. Inscr. Lat. vi. 2014.

[2] Mon. Ancyr. chapters v, vi.

[3] παρὰ τὰ πάτρια ἔθη. M. Anc. l. c.

[4] Dio 53. 32.

ἔχειν, ὥστε μήτε ἐν τῇ ἐσόδῳ τῇ ἔσω τοῦ πωμηρίου κατατίθεσθαι αὐτήν, μήτ' αὖθις ἀνανεοῦσθαι, (4) granted ἐν τῷ ὑπηκόῳ τὸ πλεῖον τῶν ἑκασταχόθι ἀρχόντων ἰσχύειν. In the next year, 732/22,[1] he was empowered (5) τὴν βουλὴν ἀθροίζειν ὁσάκις ἂν ἐθελήσῃ. Finally, (6) in 735/19[2] he was given permission ταῖς δώδεκα ῥάβδοις ἀεὶ καὶ παντα χοῦ χρῆσθαι, καὶ ἐν μέσῳ τῶν ἀεὶ ὑπατευόντων ἐπὶ τοῦ ἀρχικοῦ δίφρου καθίζεσθαι.

Of these six powers, it will be convenient to consider first the third and fourth, as those most directly connected with his renunciation of the consulate. When Augustus ceased to hold his consular imperium as consul, his tenure of it was only 'pro-consule'. It was not therefore valid in Rome.[3] To meet the difficulty he was now exempted from this disability, and for the first time the consular imperium was wielded in Rome, as it had been for long wielded in the provinces, by one who was neither consul nor praetor. It is possible that Augustus may have been at the same time exempted from the ancient restrictions which limited the exercise of the imperium within the city,[4] in other words that he was allowed to exercise it there as absolutely as it had always been exercised by proconsular holders in the provinces. But to this point I shall return further on, merely remarking now that if this was so, the designation of his imperium as 'proconsulare' becomes still more natural. By the fourth measure Augustus was granted 'maius imperium' over all provincial governors. This did not imply, as is often said, an extension of his authority, but only gave him back what he had lost when he ceased to be consul. As merely holding the consular imperium, 'pro-consule,' he still indeed took precedence of those who only held the imperium 'pro-praetore', i.e. his own legati, but he no longer enjoyed the precedence which had belonged to

[1] Dio 54. 3. [2] Dio 54. 10.

[3] Cf. the 'quoad urbem introisset' of the Lex Cornelia. Cic. ad Fam. 1. 9.

[4] Dio 53. 17 connects the summary criminal jurisdiction of the emperors, the 'ius gladii', with what he calls their proconsular power.

him as consul over proconsuls. With the latter he was now on a level;[1] and his imperium, though exercised over a larger area and for a longer time, was not superior but equal to that of the proconsular governors of senatorial provinces. It was to re-establish a precedence so essential for the unity of administration that this measure was passed, and not in order to bring the senatorial governors for the first time under his paramount authority. A similar provision had been found necessary in the case of his colleague Agrippa when invested with consular imperium pro-consule,[2] and is mentioned also in the later case of Germanicus.[3]

But in losing the consulship Augustus lost more than the right to wield the consular imperium in Rome, and the 'maius imperium' over proconsuls. In the first place he no longer held the magistracy which had been always regarded as carrying with it the constitutional headship of the state; nor, though he might retain consular imperium within the city, could he venture to claim the first place in Rome and in the civil government on the strength of an authority which, when held by others than the consuls, had only been exercised abroad, and which was associated with the absolute methods of rule prevalent in the camp and the provinces. Rome could not as yet be governed, openly at least, by proconsular authority. Hence undoubtedly the increased stress now laid on the 'tribunicia potestas'. To state, as Dio does,[4] that Augustus was (measure 1) declared δήμαρχον διὰ βίου is palpably incorrect. He was never 'tribune', and the 'tribunicia potestas' had been granted him for life

[1] Compare the position of Pompey when given consular imperium, 'proconsule,' in 687/67, 'imperium aequum in omnibus provinciis cum proconsulibus.' Vell. ii. 31.

[2] Dio 54, 28 μεῖζον τῶν ἑκασταχόθι ἔξω τῆς Ἰταλίας ἀρχόντων ἰσχῦσαι, an almost verbal repetition of the vote in favour of Augustus.

[3] Tac. Ann. 2. 43 'Maius imperium quam iis qui *sorte* (sc. proconsules) aut missu principis obtinerent'.

[4] Dio 53. 32.

in 718/36.[1] What modification in his tenure of it was now made is not clear,[2] but this much is certain, that the 'tribunicia potestas' was brought into new prominence and a special emphasis laid upon it. It now first appears among the titles of Augustus and appears sometimes alone,[3] as 'summi fastigii vocabulum',[4] and a number is appended indicating for how many years it has been held. Henceforward it ranked highest among the imperial prerogatives—higher even, as Mommsen has shown, than the 'imperium' itself.[5] Lastly, by Augustus it is explicitly put forward as sufficient for those administrative purposes, for the execution of which he had been offered but had refused offices which were 'contrary to the usage of our forefathers'.[6]

The tribunician power which Augustus now adopted as the outward and constitutional sign of his authority in Rome, unquestionably carried with it the right both of convening the senate ('senatum habere') and of introducing business (referre, relationem facere). But according to Dio, Augustus was empowered in 731/23 *χρηματίζειν περὶ ἑνός τινος καθ' ἑκάστην βουλήν* (meas. 2) and in 732/22 *τὴν βουλὴν ἀθροίζειν ὁσάκις ἂν ἐθελήσῃ*[7] (measure 5). Where then lay the necessity for these measures? The former power may be safely identified with the 'relationem facere' of the Lex De Imperio Vespasiani,[8] and with the phrase *περὶ ἑνός τινος* must

[1] Dio 49. 15; Oros. 6. 18.

[2] Mommsen, Staatsr. ii. 752 [795, ed. 3]; Stobbe, Philologus xxxii, pp. 13 sqq.

[3] Cohen, Médailles, i. nos. 342 sqq.; Mommsen, Münzwesen, 744; Schiller, Gesch. d. Kaiserzeit, i. 160.

[4] Tac. Ann. 3. 56.

[5] Mommsen, Staatsr. ii. 1050 [1160 in ed. 3]. Cf. Dio 54. 12 *ἄλλα τε καὶ τὴν ἐξουσίαν τὴν δημαρχικήν*. 53. 32 *τοῖς τε ἄλλοις καὶ τῇ ἐξουσίᾳ τῇ δημαρχικῇ*.

[6] Mon. Anc. chap. vi *ἃ δὲ τότε δι' ἐμοῦ ἡ σύνκλητος οἰκονομεῖσθαι ἐβούλετο, τῆς δημαρχικῆς ἐξουσίας ὢν ἐτέλεσα*.

[7] Dio 53. 32; 54. 3.

[8] 'Utique ei senatum habere, *relationem facere*, remittere, senatus consulta per relationem discessionemque facere liceat, ita uti licuit divo Augusto,' Wilmanns 917, C. I. L. vi. 930.

be compared the 'ius tertiae, quartae, quintae relationis' conferred upon later emperors.[1] Mommsen[2] holds that the right 'relationem facere' now given was distinct from the ordinary 'ius referendi': and that it specially empowered Augustus to submit to the senate a proposal in writing, through the medium of a third party, and even when absent himself. But though this right must have differed in some way from that already possessed by Augustus in virtue of his tribunicia potestas, and though it is highly improbable that περὶ ἑνός τινος can mean that he was henceforth restricted to a single relatio, there are grave objections to Mommsen's view. There is in the first place no evidence that 'relationem facere' bore the special meaning which Mommsen gives it, or that it is not simply equivalent to 'referre'. That Augustus and his successors did bring written 'relationes' before the senate is certain, but it is not clear that 'referre' could not be used to describe this practice,[3] or that the practice itself required any special enactment to make it legal. Under the earlier emperors it was the exception and not the rule. Only on three occasions, so far as we know, did Augustus deviate from the ordinary mode of oral reference: (1) in 741/13, when owing to hoarseness he handed his speech to his quaestor instead of delivering it himself;[4] (2) probably in 752/2, when to the same official he entrusted the painful announcement of his daughter's disgrace;[5] (3) in 765/12 A. D., when owing to failing strength he made use of Germanicus, who was then, it should be noticed, consul.[6] Tiberius's prolonged absence from Rome necessitated a more frequent use of written communications;

[1] Vit. Pertin. 5; Severi Alexandri 1; Probi 12.

[2] Mommsen, Staatsr. ii. 837, note 3 'die schriftliche Antragstellung des abwesenden Kaisers'. [Mommsen has slightly altered his view in ed. 3, p. 899, though still explaining χρηματίζειν in Dio of the written proposal.]

[3] Cf. the passage, Vita Marci 10, quoted by Mommsen (l. c. 838, note 1) who consequently assumes that 'referre' is here wrongly used for 'relationem facere'.

[4] Dio 54. 25. [5] Suet. Aug. 65. [6] Dio 56. 26.

but these seem to have been as a rule addressed to the consuls and by them brought before the senate in the ordinary way.[1] Claudius, according to Dio, was compelled by physical weakness to use the services of his quaestor.[2] Nero preferred the more regular mode of communication through the consuls.[3] Vespasian employed Titus as his mouthpiece, but Titus was already his colleague with the imperium and the tribunician power.[4] Not until the close of the first century did the use of the quaestor become habitual. Moreover, when the written communication was entrusted to a magistrate possessing the 'ius referendi' he would introduce it on his own authority.[5] If the selected medium of communication was the 'quaestor principis', this subordinate official was no doubt by an easy and natural fiction treated as merely for the moment the representative of the emperor. Lastly, the language of the Lex Vespasiani points to the identification of 'relationem facere' with 'referre'. It mentions 'relationem facere' after the permission 'senatum habere', and before the permission 'senatusconsulta facere': exactly where we should expect to find 'referre'. Of 'referre' as distinct from 'relationem facere' there is no mention, and if it was omitted, as already included in the tribunicia potestas, why did not the omission extend to the rights 'senatum habere' and 'senatusconsulta facere' which were equally part of the tribune's prerogative?

Assuming then that both the χρηματίζειν of Dio, and the 'relationem facere' of the Lex Vespasiani, are equivalent to 'referre', what was the reason for the grant made to Augustus in 731/23 and continued to his successors? For this we must look once more to the position in which he had placed himself by his renunciation of the consulship. By

[1] Dio 58. 10. Cf. Madvig, Verfassung d. r. Staates, i. 562.

[2] Dio 60. 2. [3] Suet. Nero 15. [4] Suet. Tit. 6.

[5] As in the case of communications addressed to the senate through the consuls by provincial governors or generals. Willems, Le Sénat, ii. 175, and note 2.

that act he lost the prior right of reference attached to the office of consul.[1] His tribunician power secured him still the 'ius referendi', but only after and not before the higher magistrates. It was then the privilege of making the first relatio which he had lost, and which this grant restored to him. He was given the consul's prior right of reference, even though, as Dio significantly adds, he might not be consul. But this prior right of reference was not to extend to all the relationes he might wish to make. It was limited to one, περὶ ἑνός τινος. This right of making the first relatio (ius primae relationis) at each meeting of the senate was afterwards extended,[2] so that some of the later emperors were authorized to make as many as five 'relationes' before the regular magistrates took their turn. How many more they might subsequently make in virtue of the 'tribunicia potestas' was left undetermined. This view does not require us to create a distinction between 'relationem facere' and 'referre'. It avoids the difficulty[3] of supposing that a new and absolute limitation was imposed on the emperor's exercise of the 'ius referendi', by treating the limitation as applicable only to the prior right of reference. It explains the terms 'ius tertiae, quartae, relationis' as meaning the right to make in succession the third, fourth, &c. 'relatio', not the right to make altogether three or four 'relationes' (i. e. ius trium, quattuor, relationum). Lastly, it brings this measure into line with those dealing with the consular imperium, as one intended to compensate for the loss of the consulship.

A similar intention is clearly discernible in the two measures which remain to be noticed: that passed in 732/22 empowering Augustus τὴν βουλὴν ἀθροίζειν ὁσάκις ἂν ἐθελήσῃ,[4] the 'utique ei senatum habere liceat' of the Lex Vespasiani, and that passed in 735/19 granting him the

[1] Gell. xiv. 7. Willems, Le Sénat, ii. 125, note 1. Herzog, I see, takes the view expressed in the text, in his Gesch. u. Syst. ii. 145.

[2] Not, as Madvig states, 'contracted,' Verfassung, i. 538.

[3] Mommsen, Staatsr. ii. 837, note 1 [898, note 3 in ed. 3]. [4] Dio 54. 3.

consular insignia.[1] The 'ius senatum habendi' he possessed like the 'ius referendi' in virtue of the 'tribunicia potestas', but in 732/22 his right to convene the senate was presumably made independent of the old-established order of precedence which gave the right, in the first instance, to the consuls and praetors, and only after them to the tribunes.[2] From the Lex Vespasiani we learn further that Augustus was given, probably at the same time, and with the same right of precedence, authority 'senatusconsulta facere'. He was thus compensated for the loss of the consulate by being invested with all the special privileges which a consul enjoyed in dealing with the senate.

Lastly, in 735/19 he was granted, according to Mommsen's undoubtedly correct version, equal rank in Rome with the actual consuls, by the bestowal of the twelve fasces, and by the permission given him to sit between the consuls on their official seat.

To sum up the results of this resettlement of Augustus's position. Henceforth he held his 'consular imperium' only pro-consule, and it came consequently to be usually spoken of as 'imperium proconsulare'. But he was nevertheless allowed to hold it in Rome, and abroad he was given the precedence of a consul over the proconsular governors of senatorial provinces. But to govern Rome 'pro-consule' was not yet possible. On the one hand, therefore, increased stress was now laid upon the tribunicia potestas, and on the other he was granted by special vote the rights attached to the consulship in relation to the senate, and equality in outward rank with the consuls themselves.

For the future the importance of this change lay in the separation thus effected between the principate and the chief magistracy of the state. Henceforward the position of 'princeps' is marked not by the tenure of any great office, but by the bestowal upon a selected citizen of certain

[1] Dio 54. 10.

[2] Varro ap. Gell. 14. 7.

powers.[1] The result was on the one hand to lower the position of the actual magistracies, and on the other to facilitate the extension of imperial authority by the simple process of lengthening the list of powers conferred upon its holder for the time being. But this was not all. The separation from the chief constitutional magistracy emphasized the exceptional character of the principate. The proconsular tenure by which the emperors henceforward held the 'consular imperium' led easily to the open use in Rome of proconsular methods of government culminating in the adoption of the title 'proconsul' itself.[2] Finally, as holding the 'consular imperium' apart from the consulship, the emperor escaped from the limitations and restrictions which hampered the actual consul, while he was given by special vote not a few of the prerogatives hitherto inseparably attached to the consulate.

That these changes were made with the approval, if not at the suggestion of Augustus, is almost certain. Nor are the motives which provoked this new departure hard to discover. Augustus may, as Mommsen suggests,[3] have found the essentially annual and collegiate character of the consulship an irksome restriction, or administrative difficulties may have resulted from the continued monopoly of one consulship by the same person, and the consequently reduced number of 'consulares' available for the public service. But another and a stronger reason must have been the anxiety of Augustus to lessen the danger, which constantly menaced himself and his immediate successors, from the wounded pride and jealous ambition of the leading nobles, who keenly resented the loss

[1] To speak as Herzog does in his recently published Gesch. u. System d. röm. Staatsverfassung (ii. Introd. pp. xiii, xiv) of the 'principate' as a 'magistratur' is misleading. It was at least after 731/23 not a magistracy, but a position of pre-eminence resting on the investiture of this or that citizen with certain powers. And this is in effect the view also of Mommsen.

[2] Mommsen, Staatsr. ii. 736 [777 in ed. 3].

[3] Mommsen, Staatsr. ii. 812 [871].

of the official career which they had been taught to regard as their birthright.[1] So long as Augustus held the consulship, one at least of the great prizes of political life was placed beyond their reach. His resignation of it left the old career of 'honores' open from the lowest to the highest step to private ambition.[2] There was further the obvious and serious danger of a disputed succession. Against this the most natural precaution, under the circumstances, was that which Augustus adopted, viz. to settle the question as far as possible in his own lifetime by associating his intended successor with himself in the distinctive powers of the principate. But to associate the same colleague with himself in the consulship year after year would have been to wound still more deeply the pride of the nobles, while a colleagueship in the 'consular imperium' and in the 'tribunicia potestas' involved no monopoly of an office to the exclusion of others.

IV. *The 'lex de imperio'*

Dio concludes his account of the powers and privileges voted to Augustus, after his deposition of the consulate (731/23), by stating that thenceforward Augustus and his successors ἐν νόμῳ δή τινι τοῖς τε ἄλλοις καὶ τῇ ἐξουσίᾳ τῇ δημαρχικῇ ἐχρήσαντο,[3] and in an earlier passage he remarks that in his own day all the prerogatives customarily given to each emperor were as a rule given 'en bloc' (πᾶσαι ἅμα αὐτοῖς ὡς τὸ πολύ, πλὴν τῆς τῶν τιμητῶν, δίδονται[4]): a state-

[1] This feeling is expressed in the letter of Servius Sulpicius to Cicero, written under Caesar's dictatorship, consoling him for the death of his daughter, ad Fam. 4. 5 'quid autem fuit quod illam hoc tempore ad vivendum magno opere invitare posset? ... an ut ea liberos ex sese pareret ... qui ... *honores ordinatim petituri essent in republica*?'

[2] Plin. Paneg. 58 'contigit ergo privatis aperire annum, ... et hoc quoque redditae libertatis indicium fuit, quod consul alius quam Caesar esset'.

[3] Dio 53. 32.

[4] Dio 53. 18.

ment fully borne out by other evidence.[1] Gaius and Ulpian both speak of a 'lex', which invested the emperor with his authority, 'cum ipse imperator per legem imperium accipiat,' 'utpote cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium conferat.'[2] A fragment of such a law has been undoubtedly preserved in the so-called 'Lex de imperio Vespasiani',[3] while lastly, the records of the Arval College mention 'comitia tribuniciae potestatis' in connexion with Nero, Otho, Vitellius, and Domitian.[4] We may then safely follow the great majority of modern authorities in assuming the existence of a 'lex', carried in favour of each successive emperor, and setting forth the prerogatives conferred upon him as upon his predecessors. But as to the extent of ground covered by this law, and as to its bearing on the constitutional position of the emperor, there is some difference of opinion. The theory of Merivale,[5] that it was a senatorial decree conferring the imperium, which represented the ancient law of the curies, and preceded the decree or decrees conferring special prerogatives, has deservedly found little acceptance with recent writers, though it has the authority of Niebuhr in its favour. For our purpose the issue lies between those who, with Mommsen[6], would exclude the 'imperium' from the operation of the statute, and those who

[1] e.g. Dio 59. 3. Tac. Hist. 4. 3 'cuncta principibus solita'; cf. the list of passages given by Mommsen, Staatsr. ii. 744, note 1 [786, note 4, in ed. 3].

[2] Gaius 1. 5. Digest 1. 4. 1. Cf. Mommsen, Staatsr. ii. 817, note 1 [876, note 2], for other references.

[3] Wilmanns, 917; C. I. L. vi. 930.

[4] Acta Fratr. Arv. ed. Henzen, p. 65. In Nero's case, the celebration was 'ob tribuniciam potestatem'; in the case of the others 'ob comitia tribuniciae potestatis'.

[5] Hist. of Romans, iii. 468. The 'lex curiata' was concerned only with the old patrician magistracies. Nor is it likely that this ancient form was galvanized into life in order to confer an extraordinary imperium, and still less to confer the tribunicia potestas.

[6] Mommsen, Staatsr. ii. 789 [841 in ed. 3]. Herzog, Gesch. u. System, ii. 242, dissents from Mommsen

regard it as a general empowering law, though the latter, as a rule, fail to make clear its relation to such acts as the salutation by the soldiery, which in a sense qualified the man saluted to act as emperor.[1]

It is in the first place easy to understand why, if Dio is right, the origin of the 'lex' is dated from 731/23. Augustus's deposition of the consulate, and the separation thus initiated between the consular imperium held by the emperor and the well-understood office of consul, naturally led to a more exact definition of his imperium; and further he now received by special vote certain prerogatives which were indispensable to him under the altered circumstances. In the case of each successor, the question was not one of electing him to an office with defined powers, but of placing him in the position of Augustus, by conferring upon him prerogatives such as Augustus had received.

No one has insisted with greater force than Mommsen himself upon the want of continuity which marked the principate. The principate died with the princeps.[2] Constitutionally there was no provision that on the death or deposition of one princeps any successor at all should be appointed. Nor did the constitution prescribe, as we shall see, any method by which the new princeps should be selected, or state what powers should be conferred upon him. That there must be a successor was determined by the necessities of the case,[3] circumstances decided the mode of his selection, and finally

[1] Madvig, Verfassung, i. 546. Walter, Gesch. d. röm. Rechts (1845), i. 333. Ranke, Weltgesch. (1883) iii. 241, who, however, ignores the 'tralatician' character of the Lex Vespasiani.

[2] Mommsen, Staatsr. ii. 1038 [1143] 'stirbt von Rechts wegen der Principat mit dem Princeps'. He notices also the absence of any provision such as that of the 'interregnum' for bridging over the gap between one 'princeps' and another.

[3] Vita Hadr. 6 'esse respublica sine imperatore non potest'. Vit. Tac. 3 'imperator est deligendus ... quia cogit necessitas'. Cf. Tac. Hist. 1. 16; Mommsen, Staatsr. ii. 1039 [1144].

custom embodied in a single statute the prerogatives to be conferred upon him as upon his predecessors.[1]

With this view Mommsen would agree, except in so far as the bestowal of the 'consular', or, as it was styled, the 'proconsular imperium' was concerned. According to him the 'lex' gave only the 'potestas tribunicia' with the addition of certain special powers,[2] such as those mentioned in the extant clauses of the Lex Vespasiani; while the 'imperium' was not so much conferred as assumed consequently upon the salutation of the soldiery or of the senate.[3] But this theory rests, I believe, on a misconception of the meaning of this salutation or acclamation. The Roman constitution distinguished the act by which a man was designated from the act by which his powers were specifically conferred upon him.[4] The king, designated by the interrex, received his powers by a vote of the curies. Consuls and praetors, designated in fact by the votes of the centuries, in theory by the presiding magistrate, obtained similarly a lex curiata. Where a 'privatus' was to be invested with special powers, the designation of the individual was usually the work of the magistrate, who proposed the law giving him the powers. But in the case of the emperor, no mode of designation was constitutionally prescribed, just as there was no constitutional provision for the existence of an emperor at all. In practice the man to be selected was, as a rule, marked out either by the position he already held as the colleague, or adopted son,[5] or nearest relative of the last princeps, by conspicuous military ability and prestige, or by popularity with the soldiery or senate.

[1] Tac. Hist. 4. 3 'cuncta principibus solita'; cf. Mommsen, Staatsr. l. c.

[2] Mommsen, Staatsr. ii. 819 [878] 'eine durch Specialclauseln normirte und erweiterte tribunische Gewalt'.

[3] Mommsen, Staatsr. ii. 789 [842] 'Ueberall wird das Imperium streng genommen nicht übertragen: es wird . . . genommen . . . entweder auf Aufforderung des Senats oder auf Aufforderung der Truppen'.

[4] So Mommsen, Staatsr. ii. 621, 669 [659, 704 in ed. 3]. Cf. 'lex de dictatore', Livy 23. 14.

[5] But neither colleagueship nor adoption gave any legal claim to succession.

The mode of designating the obvious person was scarcely less an open question in theory. No doubt the more orthodox procedure was that he should be invited by the senate to accept the position,[1] but in many cases the praetorian cohorts or the legions anticipated the senate, and designated by acclamation the man of their choice. These acclamations were naturally decisive in fact. The man thus designated by soldiers or senate or both frequently acts thenceforward as emperor, and even commemorates the day of his designation as the 'dies imperii'.[2] But there is in all this no constitutional investiture of the designated person with the imperium. It is therefore impossible to follow Mommsen in his view that, 'according to the regulations of the principate,' the imperium was lawfully assumed on the request of soldiers or senate, since the whole position of the princeps turns on the fact that no formal regulations at all existed prescribing such a method. But though the designation of the princeps was thus left to circumstances, and though the 'acclamation' merely meant designation and nothing more, there is no sufficient reason for doubting that there was a formal act by which the person designated and already in *de facto* possession of authority, was legally invested with the powers which were customarily connected with the position of princeps. Indeed the legitimization and definition of a *de facto* authority had been the real object of a series of senatusconsulta and leges dating from the crossing of the Rubicon by Julius.[3] Are we then to suppose that from the 'lex', which legitimized and defined the powers of the designated princeps, the 'imperium' was excluded? Mommsen's assertion that

[1] Mommsen, Staatsr. ii. 789 [842, ed. 3]. 'Suscipere imperium,' Vit. Tacit. 3.

[2] Suet. Vesp. 6; Vita Hadr. 4. 6; Mommsen, Staatsr. ii. 790 [841].

[3] When in 711/43 the senate granted 'imperium pro praetore' to Octavian, Cicero argues that they were only recognizing an accomplished fact. Phil. 11. 8 'eripuissetis C. Caesari imperium, nisi dedissetis—imperium belli necessitas, fasces senatus dedit'. Such too was the real force of the vote of 726/28, defining Augustus's imperium, and also of those of 731/23.

'für die Uebertragung des militärischen Imperium ist nach der Ordnung des Principats die Bürgerversammlung nicht competent'[1] is merely an inference from his theory that the 'acclamation' had been erected into a constitutional act of investiture. That according to the old constitution such a defining act properly belonged to the comitia is certain.[2] It is antecedently improbable that the princeps should have held his imperium by a title different to that by which he held his other powers—viz. a vote of the people. Nor is there anything in the language of our authorities which obliges us to suppose that the legitimizing lex did not include the 'imperium'. The language of the Scriptores Historiae Augustae suggests the inference that, though in later times the designation of a man as princeps in the senate, and the proposal to confer upon him the usual powers, were often nearly or quite coincident in point of time, these usual powers included the imperium, the grant of which is usually coupled with the grant of the tribunicia potestas and of the 'ius referendi'.[3] With Mommsen's view, that the decrees defining and conferring these powers were followed by a vote of the people, I entirely agree, but I see no reason why he should limit this subsequent vote to the tribunicia potestas and other special powers but exclude the imperium. Dio, as well as Gaius and Ulpian, clearly believed that the 'lex' gave all the imperial prerogatives—and though it is easy to understand that the two last named would describe such a law as lex de imperio, even though it included powers not properly belonging to the imperium, it is difficult to believe that they would have so named the law, had it given every prerogative except the 'imperium' itself. By the Scriptores too, as we

[1] Mommsen, Staatsr. ii. 789 [842]. [2] Cf. the Lex Gabinia, Manilia, &c.

[3] The future emperor is called upon 'suscipere imperium' (Vit. Tac. 3) and is saluted with the nomen imperatorium. Then follows as a rule the recitation of the powers τῷ αὐτοκράτορι ἀρχῇ προσήκοντα (Dio 63. 29), in which the proconsular imperium is coupled with the tribunicia potestas and the ius referendi, e.g. Vita Probi 12.

have seen, the 'ius proconsulare' and the tribunicia potestas are coupled together, without a hint as to any difference in the mode of investiture. It is, moreover, generally agreed that in the fragmentary Lex Vespasiani we have a specimen of the 'lex tralaticia' carried in favour of each successive princeps. As it stands there is no reference either to the tribunicia potestas or to the imperium. I agree with Mommsen that it must have included the former, but I see no reason, on the face of it, why it should have omitted the latter; especially as the first extant clause[1] deals with a prerogative intimately connected with the imperium and quite remote from the tribunician power. The records of the Arval College mention, it is true, no other 'comitia' but those held 'ob tribuniciam potestatem', but the fact is not fatal to the theory that the vote passed at these comitia dealt also with the imperium. As a matter of precedence the tribunicia potestas ranked above the imperium,[2] and its possession was the distinctive constitutional mark of the princeps. It is consequently conceivable that for brevity's sake the tribunicia potestas was taken to stand for the sum total of the prerogatives voted *en bloc* to each emperor, and that the comitia were therefore shortly styled 'comitia ob tribuniciam potestatem'. Similarly Dio uses the phrases τοῖς τε ἄλλοις καὶ τῇ ἐξουσίᾳ τῇ δημαρχικῇ, ἄλλα τε ἐξ ἴσου ἑαυτῷ καὶ τὴν ἐξουσίαν τὴν δημαρχικήν,[3] and in both cases he evidently includes the imperium among τὰ ἄλλα. Augustus's reluctance to rest his position in Rome avowedly upon an 'imperium' held only 'proconsule' and the prominence he consequently gave to the 'tribunicia potestas' may thus have influenced the language used with reference to his successors.

The imperium of the emperors was then the old 'consular imperium'. It was at first wielded by Augustus as consul, though with an unprecedentedly wide provincia, and for an

[1] '... foedusve cum quibus volet facere liceat.'

[2] Mommsen, Staatsr. ii. 814, 1057 [873, 1160].

[3] Dio 53. 32; 54. 12.

unusually long term. After 731/23 it was wielded by himself and his successors 'proconsule', and came to be currently known as 'proconsular', but its holder was freed, as Augustus had been, from the disabilities attaching to the proconsular tenure of the imperium. The votes of 727/27 and 731/23 defined its area, determined certain conditions of its exercise, and coupled with it other prerogatives. But no provision was made for its transmission. Necessity compelled the choice of a successor, circumstances decided how he should be chosen, but once chosen, senate and people still according to ancient usage conferred upon him the 'imperium' together with the powers once voted to Augustus and voted after him to each of his successors in turn.

V. *The Consular imperium in Rome*

We have seen that in 731/23 Augustus was authorized to retain the 'consular imperium', which he now held 'proconsule' even within the pomoerium. The question thus arises, what use did he and his successors make of this 'imperium' for the purposes of government at home? To discuss this question in detail here would be to extend this article to an unpardonable length—but something must be said by way of completing the account of the 'imperium' given above. That both Augustus and his successors avoided parading the 'consular imperium' as the basis of their authority in Rome and Italy is clear, but it is scarcely possible to maintain with Mommsen that 'for Rome and Italy it does not come into consideration'.[1] The point, it must be remembered, is not whether Augustus acted as proconsul, but whether or not he made any use of the 'consular imperium' which, though not consul, he certainly possessed; and that probably without the restrictions which bound the consul. The evidence that he did so may be briefly summed up as follows. The estab-

[1] Mommsen, Staatsr. ii. 792, 800 [846, 855 in ed. 3].

lishment in Rome of the cohortes praetoriae, the cohortes vigilum and urbanae, and in Italy of soldiers acting as police and of the squadrons at Misenum and Ravenna, is recognized by Mommsen himself as an instance of the exercise of the 'imperium'.[1] In Rome again we find the 'quaestor principis' attached, as Mommsen also holds,[2] to the emperor as holding the consular imperium, and the various 'praefecti' whose authority is derived from the emperor alone. The direct criminal jurisdiction of the emperor can hardly be traced to any other source,[3] and much I believe of his appellate jurisdiction must be similarly explained. On another occasion I shall hope to show that the attempt to lay all these burdens on the tribunicia potestas is an impossible one. To refer them to a general 'imperium'[4] or to a 'consular power'[5] distinct from the 'proconsular imperium' involves, as has been shown, a misconception of the nature of the imperium. Lastly, to account for them as specially given, like the 'ius referendi' &c., by the 'lex Vespasiani', is to multiply the clauses of that law beyond the bounds of probability.

[1] Mommsen, Staatsr. ii. 801, 805 [855, 864; Suet. Aug. 32].
[2] Mommsen, Staatsr. ii. 534 [569].
[3] Dio 53. 17; Mommsen, Staatsr. ii. 898 [959].
[4] As Karlowa appears to do, Rechts-Gesch. i, p. 493.
[5] Merivale, see above.

V

THE DOMESTIC POLICY OF AUGUSTUS[1]

THE period of ten years (B.C. 27–18) for which his extraordinary powers had been granted to Augustus was drawing to a close, and as yet the task of reorganizing the administration of the provinces had occupied nearly all his attention. This was now in a sense completed, and on his return from the East in 19 B.C. he was at last free to devote himself to Rome and Italy. The moment was a favourable one. His successes abroad had raised his prestige, and strengthened his hold on the allegiance of Romans and provincials alike, while in Rome itself the experience of the last few years had intensified the anxiety that he should personally assume the conduct of affairs at home and commence the work of the reform which his absence had postponed. The dangerous illness which nearly ended his life, after his return from Spain in 24 B.C., had filled men's minds with alarm,[2] and the general uneasiness thus created was increased by the events which followed. In the summer of 23 B.C.[3] he resigned the consulship which he had held uninterruptedly since 31 B.C. The resignation involved no real sacrifice of power. But in the eyes of the Roman populace it seemed naturally enough to presage their desertion by the ruler who had been to them for ten years an earthly Providence. A few months later the death of Marcellus,[4] the son of

[1] [Written about 1890 as a chapter in a projected History of the Roman Empire: see further in the Biographical Sketch.]

[2] Dio 53. 30; Suet. Aug. 81; Plin. N. H. 19. 128.

[3] In June, C. I. L. vi. 2014; after the elections of praetors, Dio 53. 32.

[4] The exact date is uncertain. Marcellus was alive on Aug. 1, Plin. N. H. 19. 24, but died before the end of the year, Dio 53. 30. At the time of his death he was, according to Propertius, Eleg. 3. 18. 15, in his twentieth year, according to Servius ad Verg. Aen. vi. 861, in his eighteenth.

a revered mother and himself the darling of the Roman people, removed the man on whom, should any misfortune rob them of Augustus, their hopes were placed.[1] The disastrous winter which followed seemed to confirm their worst anticipations of what would befall them if once the protection of Caesar, the appointed vicegerent of the gods upon earth, were withdrawn. The Tiber overflowed its banks,[2] pestilence devastated the city and the country round, while the failure of the corn supply threatened a general famine.[3] When the year 22 opened under the auspices of consuls other than Caesar the panic reached its height. Nothing would content the people but that Augustus should again visibly reign over them. They forced the senate to press upon him one extraordinary office after another, a dictatorship, a perpetual consulship, a life censorship.[4] But Augustus remained firm. Satisfied with the substantial authority secured to him by the arrangements made in 23, he refused to accept any office which was contrary to the old constitution.[5] Nor with the task of settling the Eastern provinces before him would he do more than what was immediately necessary; even this he did in an almost ostentatiously constitutional manner, which must have sorely disappointed the people.

The immediate pressure of famine he promptly relieved by supplies of corn purchased at his own expense,[6] without having recourse to the wide powers which had been granted to Pompey

[1] Vell. 2. 93.

[2] Dio 53. 33. The 'pons sublicius' was carried away, and the streets were under water for three days.

[3] Dio 53. 33; 54. 1.

[4] Dio 54. 1; Suet. Aug. 52; Vell. 2. 89; Mon. Anc. chap. v.

[5] Mon. Anc. chap. vi *ἀρχὴν οὐδεμ[ία]ν πα[ρὰ τὰ πά]τρ[ια] ἔ[θ]η διδομένην ἀνεδεξάμην.*

[6] Mon. Anc. Gk. chap. v *οὐ παρητησάμην ἐν τῇ μεγίστῃ [τοῦ] σ[είτ]ου σπάνει τὴν ἐπιμέλειαν τῆς ἀγορᾶς, ἣν οὕ[τως ἐπετήδευ]σα, ὥστ' ἐν ὀλίγαις ἡμέρα[ις το]ῦ παρόντος φόβου καὶ κι[νδ]ύνου ταῖς ἐμαῖς δαπάναις τὸν δῆμον ἐλευθερῶσα[ι].* Ibid. Lat. chap. xv 'consul xi duodecim frumentationes frumento pr[i]vatim coempto emensus sum'.

in 57, and which he was now asked to accept.[1] The complete organization of the corn supply he postponed for the present, though at his instance, and probably by decree of the senate, it was arranged that two senators of praetorian rank should be elected each year to superintend the distributions of corn to the people.[2] Another department which he subsequently placed under officers of his own, that connected with the extinction of fires in the city, was for the present committed to the aediles.[3] The duty of taking the census which he had discharged himself in 28–27 was in a similar spirit entrusted to two censors elected in the ordinary way, and the first so elected since 42.[4] The experiment was never repeated, and the people no doubt recognized, in the fall of the platform on which the newly elected censors took their stand to address them, a sign that the gods themselves disapproved of the unseasonable modesty of Caesar.[5] Two other measures carried by Augustus in this year, that for the suppression of illicit associations,[6] and that for restricting the expenditure on public games,[7] will be discussed hereafter. The aim of both was the same, the maintenance of public order by the repression of political agitation and intrigue. The necessity for them was proved in the course of this year by the abortive conspiracy of Caepio and Murena.[8] There can be little doubt, however, that Augustus 'unable', as we are told, 'to give his whole time to the affairs of Rome, and yet afraid

[1] Dio 54. 1 *καθάπερ ποτὲ τὸν Πομπήιον.*

[2] Dio 54. 1. Their title was apparently 'praefecti frumento dando', Frontinus, de Aquaed. 100, or 'frumento populo dividundo', Suet. Aug. 37. The final arrangements for the entire 'cura annonae' were not made until some years later. See below, p. 147, and Hirschfeld, Untersuch., pp. 129 sqq. [= pp. 232 foll. ed. 2].

[3] Dio 54. 2. Fires had been especially frequent during the winter; ibid. 53. 33.

[4] Dio 54. 2; Vell. 2. 95; Suet. Aug. 37. The censors were L. Munatius Plancus and L. Aemilius Lepidus.

[5] Dio 54. 2.

[6] Dio 54. 2; Suet. Aug. 32.

[7] Dio 54. 2.

[8] Dio 54. 3; Vell. 2. 91; Suet. Aug. 19.

to leave the city without a master',[1] placed his chief reliance on the presence of Agrippa, whom he sent back from Sicily to take charge of the turbulent capital.

Augustus left Italy for Sicily and the East towards the close of the year 22; and it was not till the 12th of October, 19, that he re-entered Rome.[2] To commemorate the event the senate decreed that an altar to 'Fortune the Homebringer' should be erected at the city gate through which he had passed; and that the day of his return should be marked by the name Augustalia and by yearly sacrifices.[3] Once more, too, the people, who twice during his absence had reserved one consulship for his acceptance,[4] renewed their entreaties that he would take upon himself some extraordinary office, which might be a visible and outward sign of his supreme authority. Once more, however, Augustus refused,[5] though possibly the popular anxiety was to some extent allayed by his consenting to assume the consular insignia, and to take an official seat between the consuls of the year.[6] Far more to the purpose was the energy with which at the commencement of the next year (18 B.C.) he set himself to the task of domestic reform. With the close of that year the period for which he held the 'imperium' ended, and he was naturally anxious that before its end the great work which he had accomplished abroad should be fitly crowned by a reformation at home. He had 'restored the republic'; it now remained for him to restore also the manners and morals which had in former days made the republic great. Even in the methods which he employed he remained faithful to the constitutionalism which

[1] Dio 54. 6.

[2] C. I. L. i. 404; ibid. x. 8375.

[3] Mon. Anc. chap. xi; Cohen, Médailles, i, pp. 78, 79, 122, 123; Dio 54. 10. The day marked as Augustalia in the calendars was observed by the Arval College down to 66 A.D.

[4] At the elections in 22 and in 20, Dio 54. 6, 10.

[5] Dio's statement (54. 10; comp. Suet. Aug. 27) that Augustus now accepted the 'cura morum' and censorial powers for five years and consular power for life, is refuted by the explicit language of the Ancyran Monument, chapter v.

[6] Dio 54. 10.

had served him so well. His main reforms were embodied in a series of laws duly laid before and passed by the plebs in their assembly, nor was any other prerogative called into exercise but that of the 'tribunician power'.[1] Finally, the completion of this work and the close of the first decade of his rule were appropriately marked by the celebration, for the fifth time in the history of the city, of the 'Ludi Saeculares',[2] the significance of which, as marking the formal opening of a better and purer age, was impressed upon the people by the poet Horace in the ode which by the orders of Augustus he composed for the occasion. As in earlier years he had lamented the decay of the virtues of old Rome, and appealed to Caesar to 'curb the untamed licence' of the time,[3] so he now celebrated the beneficent laws which had brought back to earth faith and peace, honour and modesty, and inaugurated an era of purity and plenty.[4]

The professed object of the 'Leges Iuliae' carried in the years 18 and 17—and in particular of the two famous laws 'de adulteriis'[5] and 'de maritandis ordinibus'—was a moral

[1] Mon. Anc. chap. vi ἃ δὲ τότε δι' ἐμοῦ ἡ σύνκλητος οἰκονομεῖσθαι ἐβούλετο, τῆς δημαρχικῆς ἐξο[υ]σίας ὧν ἐτελέ[σα]. Dio (54. 10) connects this legislation with a power specially given by the senate to Augustus νομοθετεῖν ὅσα βούλοιτο—a confusion possibly with the 'ius edicendi', which, as we learn from the Lex de imp. Vespasiani (C. I. L. vi. 930), was given to him at some unspecified date.

[2] Mon. Anc. chap. xxii; C. I. L. vi. 877; Dio 54. 18, in the summer of 17 B.C. Comp. Cohen, Méd. i, pp. 79, 89, 129. [For the inscr. of the Ludi Saeculares, found in 1890, see above, p. 29, and Mommsen, Ephem. Epigr. viii, p. 225 and Reden und Aufsätze, p. 351.]

[3] Od. 3. 6. 33 'non his iuventus orta parentibus infecit aequor sanguine Punico'. Ibid. 3. 24. 28 'indomitam audeat refrenare licentiam'.

[4] Carm. Saec. 17, 57. Compare also Od. 4. 5. 21 and 15. 9 'ordinem | rectum evaganti frena licentiae | iniecit, emovitque culpas | et veteres revocavit artes, | per quas Latinum nomen et Italae | crevere vires', and the language of Augustus himself, Mon. Anc. ch. viii 'legibus novi[s latis complura e]xempla maiorum exolescentia iam ex nost[ro usu reduxi]'.

[5] Dio, 54. 16, attributes both laws to the year 18. They must in any case have been passed before the celebration of the Ludi Saeculares in the summer

reform. But this legislation did not stand alone; it formed an integral part of the general policy of social and administrative reconstruction in Rome and Italy which Augustus kept steadily before him from the beginning to the end of his long reign, and it is only in connexion with that policy that it can be properly studied and understood.

That reconstruction was urgently needed no one could doubt. The revolutionary storms of more than half a century which had disordered the constitution of the Roman state itself had left their mark on every department of life, and throughout the length and breadth of Italy.[1] In Rome itself the old established social order was threatened with dissolution. A spirit of reckless licence pervaded all ranks, which the old religion, disregarded now by the masses, as it had long been ignored or abused for political purposes by their betters, was as powerless as the traditional morality to check or control.[2] Outside Rome, in the country towns and districts of Italy things were better, but even here the civil wars had developed habits of violence and a spirit of restlessness which were as yet uncontrolled by any sufficient authority. For in Rome and Italy alike even the imperfect administrative machinery of the republican period was thoroughly disorganized. Rome with a population numbering at the lowest estimate nearly a million[3] was unprovided with some of the most ordinary requisites of civilized life. The disastrous floods, and the even more frequent and disastrous fires which wasted her narrow alleys and did not spare the temples of the gods,[4] were allowed to work their will unchecked. The

of 17 B. C. Haenel, Corp. Leg. p. 10, assigns the 'lex de adulteriis' to a later date 'post ann. 737/17'. I do not understand on what grounds.

[1] Suet. Aug. 32 'pleraque pessimi exempli in perniciem publicam aut ex consuetudine licentiaque bellorum civilium duraverant'. Tac. Ann. 3. 28 'exin continua per viginti annos (49–29) discordia, non mos, non ius'.

[2] Hor. Od. 3. 6.

[3] Friedländer, Sittengesch. i. 21; Beloch, Bevölkerung d. griechisch-römischen Welt, pp. 404, 412, puts the number at about 800,000.

[4] Hor. Od. 1. 2. 13; Dio 53. 33.

water-supply was both insufficient and irregular.[1] A turbulent populace was uncontrolled by any police, and club law reigned supreme in the streets. Outside the city, matters were almost as bad. The public roads were in utter disrepair and the bridges broken,[2] while harbours like Ostia were fast silting up with sand and mud. In many parts of the peninsula brigandage was rife ;[2] in the north the industrious farmers of Cisalpine Gaul were exposed to the raids of the highland tribes who descended from their Alpine valleys to plunder the rich and unprotected lowland.[3] Almost everywhere the sense of insecurity, produced by the bitter experience of twenty years, had paralysed industry. Nor were the municipality in any condition to deal effectively with these accumulated evils. The enfranchisement of Italy in 89 B.C. had not been followed up by any attempt to reorganize the local governments of the numerous communities which it transformed from allied states into Roman towns. The great dictator had indeed carried two comprehensive measures of the kind that were needed,[4] but his murder and the troubles which followed it must have rendered them for the time inoperative. With dismantled walls, exhausted treasuries, territories lying waste, and a population thinned by war and conscription, the towns of Italy could only look to the new Caesar for help and assistance.

When we turn to the measures of reform adopted by Augustus it becomes clear that his efforts were by no means limited to the removal of the obstacles which impeded the growth of material prosperity or the repression of the vices which disgraced society. Great statesman as he was, he realized from the first the necessity, if either the political

[1] See Mon. Anc. ch. xx 'rivos aquarum vetustate labentes'.

[2] Suet. Aug. 32; Strabo, p. 243.

[3] Strabo, p. 204, of Liguria. Plin. N. H. 18. 182, of the raids of the Salassi in Gallia Transpadana.

[4] The Lex 'Rubria' for Cisalpine Gaul, and the Lex Iulia municipalis; the date of the former is probably 49 B. C., the latter was carried in 45 B. C.; for both see C. I. L. xi. 1146 and i. 206.

system which he had established was to stand or his other reforms were to have any lasting effect, of creating in a people demoralized by faction and civil war a healthy and vigorous public feeling. The intense but narrow civic patriotism which had been the ruling passion of the Romans in former days was a thing of the past. The enfranchisement of the Italians had dealt it a severe blow: the civil wars had killed it. The 'restoration of the republic', unreal as it was, had probably gratified the pride of the Roman nobles, and had certainly bridged over an awkward gulf between the old and the new régime. But there is no evidence that it excited any real enthusiasm outside the aristocratic circles for whose benefit mainly the drama was acted. To the great majority of Italians the forms and institutions of the republic were even in the time of Cicero[1] matters of indifference. The distribution of offices concerned them as little as that of dukedoms or orders of the Garter concern the average Englishman of to-day, and their right to vote in the comitia was little valued and rarely exercised.[2] Yet among these men, whose political apathy Cicero lamented, the materials were not wanting for the creation of a genuine enthusiasm. The idea of Italian unity which shaped the plan of an Italian state framed by the insurgents in the Social War[3] had strengthened its hold on the public mind. The union effected by the extension of Roman citizenship to all Italians, though different in form from that which had been proposed in 90, had stimulated a feeling of common pride in Italy, and awakened a keen interest in everything Italian.[4]

To this national sentiment Augustus appealed, and the

[1] Cic. Ad Att. 7. 7 'nisi eos timere putas, ne sub regno sint, qui id nunquam, dum modo otiosi essent, recusarunt'; cf. Ad Att. 8. 13.

[2] Cic. Pro Cluent. 56.

[3] Strabo, p. 241 *κοινὴν ἅπασι τοῖς Ἰταλιώταις ἀποδείξαντες πόλιν* (Corfinium) *μετονομασθεῖσαν*. Their coins bore a head of Italia, Friedländer, Osk. M. 75.

[4] e. g. in Italian antiquities and traditions, an interest which is conspicuous in Varro. Vergil was 'amantissimus vetustatis', Quintil. 1. 7. 18, Sellar, Vergil (ed. 1), 328.

appeal came with especial force from one who by birth was one of those Italian 'municipales' on whom the Roman patricians affected to look down as aliens,[1] and who as the chosen champion of Italy had met and defeated at Actium the powers of the East. The republic had treated Italy as an appendage to Rome. Augustus demanded the allegiance of Italians for a Rome which was in fact Italy, and in which all Italians could claim an equal share.[2] They were invited to make the great past of Rome their own, to recognize in the simple virtues of the Fabricii and the Catos the native virtues which still throve in the countrysides of Italy, among the Sabine hills,[3] or on the plains of the Po, and in the ancient gods of Rome the deities which they and their forefathers worshipped in the home and in the field. In this way the Italy of to-day was to be linked with the Rome of the past. Nor were the Italians less encouraged to claim for themselves the imperial pride which had sustained the Romans in many a perilous crisis of the state. They, and not only the nobles and plebs of Rome, were to be the governing race whose mission it was to rule the world, and on whose purity and vigour the greatness of Rome depended.[4] Leaving on one side the degenerate political life of the Roman forum and the campus, they were to find their vocation as citizens in an active municipal life, in homely industry, or in useful service abroad.[5]

But it was not only to the name and traditions of Rome that Augustus wished to attach Italian patriotism and Italian pride in Italy: the political system which he had

[1] See Cicero's reply to Torquatus, Pro Sulla, 7 'peregrinum cur me esse dixeris'.

[2] Hor. Od. 3. 5. 9 'Marsus et Apulus anciliorum et nominis et togae oblitus aeternaeque Vestae'. Verg. Georg. 2. 173.

[3] Hor. Od. 1. 12; 2. 15; 3. 6. 37, compared with descriptions of the country life of his own time, e. g. Od. 3. 18, &c., Verg. Aen. 9. 603.

[4] Hor. Od. 4. 15. 12 'veteres revocavit artes per quas Latinum nomen et Italae crevere vires, famaque et imperi porrecta maiestas ad ortus solis'. Compare also the admirable account given by Sellar, Vergil, pp. 327 sqq.

[5] Hor. Od. 1. 35. 33 'eheu cicatricum et sceleris pudet', &c.

established was identified at least as closely with himself as with Rome, and if it was to last, loyalty to Rome must go hand in hand with loyalty to Caesar. In a hundred different ways the lesson was taught and was eagerly learnt. The ancestors of Caesar had been the founders of Rome, the present Caesar was her divinely ordained guardian,[1] and with every department of life his name was associated. Literature lent its powerful aid to the good work. The foremost writers of the time were above all things Italians. They were of modest birth, and they either came, like Livy and Vergil, from the plains of the Po, where a robust Italian civilization had planted itself, and where, a century later, the manners of the people were still marked by an old fashioned plainness and rusticity,[2] or, like Horace and Ovid, had been bred in districts where the simpler habits of earlier days still survived. In their writings the glories of ancient Rome, love of Italy, and pride in her imperial mission, are everywhere mingled with the praises of Caesar.[3]

Such was the ideal, that of a united and imperial Italy governing the world under the joint names of Rome and Augustus, by which Augustus hoped to reanimate the drooping energies of the people, and give life and vigour to the system of government. It seems certain that it was a narrower ideal than that which Julius had conceived.[4] It inevitably lost its hold on the minds of men, as the ascendancy of Italy ceased to be a fact, as the provinces became more Roman than Rome herself, and barbarians from the banks of the Danube sat in the seat of Augustus. But it was eminently suited to the feelings and aspirations

[1] Hor. Od. 4. 15. 17 'custode rerum Caesare'; ibid. 4. 5. 1.

[2] Plin. Epp. 1. 14 'patria est ei Brixia ex illa nostra Italia quae multum adhuc verecundiae, frugalitatis atque etiam rusticitatis antiquae retinet'. [Tac. Ann. 16. 5 presumably refers to such districts, remote from Rome.]

[3] Verg. Georg. 2. 170 sqq.; Hor. Od. 1. 12.

[4] [See above, pp. 25, 26.]

of a generation which had been shocked by the cosmopolitanism of Julius, to whom provincials were still aliens and inferiors, and the provinces the 'estates of the Roman people'. Without it no legislation could have produced the revival of vigour which characterized Italy during the century which followed the victory at Actium.

Among the reforms accomplished by Augustus the first place must be given here, as it was given by himself, to his reform of religion, a reform which in its shape and direction bears unmistakably the impress alike of the time at which it was carried and of its author's policy. It has as little in common with the age of Cicero as with that of Marcus Aurelius, and throughout it runs a definite political purpose. To the ordinary Roman, as to the Greek, the essence of religion lay not in any creeds, or systems of dogma and doctrine, but in worship, in the due performance, at the proper time and place, in the proper manner and by the proper persons, of ritual acts. No doubt this ritual observance assumed that the gods existed, that they had the power to do good or evil to men, that they could be propitiated by attention or offended by neglect, and that signs of their approval or disapproval would be given to those who duly sought for them. But the theological beliefs which lay behind the ritual were few, indefinite, and shifting, while the ritual itself was elaborate, precise, and unalterable. It was consequently upon the ritual, the 'sacra', that religious feeling fastened, and to this that the religious reverence, even of sceptics, was paid.

The religion of ancient Greece and Rome was also essentially local. This was true to a great extent of the gods, it was true to a still greater extent of the rites by which they were worshipped. In strictness alien gods and rites were as completely outside the pale of the community as alien men and women, and for their formal admission the sanction of authority was equally necessary. The sanction of Delphi itself had been given to the maxim that the gods were best

worshipped by each man according to the usage of his city.[1] The ritual observances, distinctively belonging to a community, were, moreover, inextricably bound up with its past history and with the public and private life of its citizens. The importance of propitiating the gods was equally great in all spheres—and their worship was associated in one form or another with every institution and every important act. Such had been the nature and position of religion in the Rome of Rome's heroic age, and such it was still in the country towns and districts of Italy. It is true that in Rome itself a more or less philosophic scepticism had been the fashion in polite society, and that in the religion of the Roman populace as in their blood there was a large admixture of foreign elements. But even in Rome the civil wars not unnaturally discredited scepticism and produced something of a reaction in favour of the old worships, and of the gods who had won the day for Rome and Italy against the alien deities of Egypt.[2] Of this reaction Augustus took dexterous advantage: religion, or, more accurately, the worship of the gods, was restored to its old place in Roman life. The ruinous temples were rebuilt,[3] and religious ceremonies which had fallen into disuse revived.[4] Attention to religious observances was encouraged, not only by the precept but by the example of Augustus himself.[5] But he was not a religious reformer in the sense which the term would bear now, or which it would have borne in the

[1] Xenophon, Mem. 4. 3. 16.

[2] Boissier, Religion Romaine, i, pp. 70 sqq.

[3] The work was begun in 28 B. C., Mon. Anc. chap. xx 'duo et octoginta templa deum in urbe consul sex[tum ex decreto] senatus refeci'. Ovid, Fasti, 2. 59; Hor. Od. 3. 6; Livy 4. 20; Suet. Aug. 30.

[4] Suet. Aug. 31 'nonnulla ex antiquis caerimoniis paullatim abolita restituit'.

[5] Suet. Aug. 35 mentions a regulation that each senator 'prius quam consideret, ture ac mero supplicaret apud aram eius dei in cuius templo coiretur'. For his scrupulous observance of the rules affecting the pontifex maximus see Dio 54. 28, Boissier, Religion Romaine, i. 83.

second century after Christ. How far he himself believed in the old gods we have no means of knowing,[1] for the strongly marked element of homely superstition in his character[2] may, in his case, as in that of others, have gone along with a complete speculative scepticism. But that he was animated by any fervent religious enthusiasm, that he wished to spread a new doctrine or to elevate and spiritualize the old worships, is utterly improbable. Nor is it likely that he placed much reliance on the revival of religious observance as a check on the immorality of the time. The restoration of the old worships was to be one of many means for restoring public confidence, and a pledge of the returning favour of the gods.[3] The gods themselves, whose temples he rebuilt and whose ancient rites he rescued from oblivion, were moreover, for the most part, those older deities which belonged equally to Rome and to Italy, and in whose worship the traditions of the one and the existing faith and practice of the other found a bond of union. Such were Jupiter, to whom he restored his ancient minister, the flamen Dialis,[4] and whose temple he adorned with gifts, Juno,[5] the Dea Dia,[6]

[1] For a discussion of the point see Boissier, i. 78.

[2] Suet. Aug. 90. He was a firm believer in dreams and omens, in lucky and unlucky days. According to the same authority he had a contempt for new and strange gods. He refused to visit Apis in Egypt, and commended Gaius Caesar 'quod apud Hierosolyma non supplicasset', Suet. 93.

[3] Hor. Od. 3. 6 'di multa neglecti dederunt Hesperiae mala luctuosae'.

[4] Suet. Aug. 31; Dio 54. 36. A flamen Dialis was appointed in 11 B. C. after an interval of seventy-five years. The temple of Jupiter on the Capitol was enriched with the spoils of Egypt. Mon. Anc. chap. xxi, and Mommsen's note, Res Gest. d. Aug. (ed. 2) p. 88.

[5] Mon. Anc. chap. xix 'Iunonis Reginae . . . in Aventino'. That he also restored the temple and revived the cult of Iuno Sospes Mater Regina (C. I. L. xiv, p. 192) at Lanuvium is probable.

[6] The goddess connected with the 'Collegium Fratrum Arvalium', for the revival of which by Augustus see below. For the primitive character of the goddess and of her worship see Henzen, Acta Fr. Arv. pp. ix and 46 foll. Preller, Röm. Myth. p. 425.

Salus,[1] the Penates, and the Lares.[2] But this religious reform was meant to be more than a pledge of the return of the Romans to the old paths, and an expression of the national unity of Italy. It was intended also to connect the revived religious life and worship of the community with the name and rule of Caesar Augustus. It was not merely that the restoration of the old cults served like the restoration of the republic to link the new régime with the old, or that Augustus wished to rule as the chosen vicegerent of the gods whose favours he had won back for his people.[3] The office of pontifex maximus, which he accepted on the death of Lepidus in 12 B.C.[4] and which was held after him by his successors, no doubt placed him at the head of the religious hierarchy of the state. It marked his position as the official guardian of religion, and gave him a control which his membership of the various sacred colleges enlarged over the entire religious machinery of the state.[5] But of far greater importance were the efforts which Augustus successfully made to interweave with the religion of the old republic worships which held up to reverence the new order and its founder. At every turn the people were reminded of the 'present deity' to whom, next to the gods above, their gratitude was due. Side by side with the temples of the old deities rose monuments which were sacred to Julius and the

[1] Suet. Aug. 31 includes the 'Salutis augurium' among the ceremonies revived by Augustus. The date Jan. 29 B.C. is given by Dio 51. 20. Its chief feature was a solemn prayer offered by the magistrates for the safety of the people. The augurs had first to be consulted εἰ ἐπιτρέπει σφίσιν ὁ θεὸς ὑγίειαν τῷ δήμῳ αἰτῆσαι, Dio 37. 24. Cicero mentions it in connexion with his consulship in 63, De Div. 1. 47.

[2] Mon. Anc. chap. xix 'aedem Larum in summa sacra via, aedem deum Penatium in Velia'; Suet. Aug. 31.

[3] Hor. Od. 3. 5 'caelo tonantem credidimus Iovem | regnare; praesens divus habebitur | Augustus'. Ib. 3. 6 'dis te minorem quod geris, imperas'.

[4] Mon. Anc. chap. x. The date of his election was March 6. Fast. Praenest. C. I. L. i. p. 314.

[5] Mommsen, Staatsr. ii. 1015 [ed. 3, pp. 1106–9].

Julian house, or which commemorated the labours and triumphs of Augustus himself. On August 18, 29,[1] three days after the celebration of his triple triumph, Augustus dedicated the temple of the 'deified Julius'[2] in the forum, which the senate had the year before appropriately adorned with the prows of the vessels captured by his great nephew at Actium.[3] In his own new forum a temple to Mars the Avenger[4] commemorated at once the murder of Julius and the punishment which the tutelary god of the Julian house had inflicted upon the murderers. To Venus Genetrix, the divine ancestress of the gens Julia, Julius himself had built a temple in the Forum Julium.[5] Her worship was maintained by Augustus, and from Rome spread into Italy.[6] But most impressive of all, from its intrinsic beauty and the lessons it conveyed, must have been the group of temples crowning the Palatine hill on which the first founder of Rome had built his city. They were begun in 36 B.C., after the defeat of Sextus Pompeius, but not dedicated until 28 B.C.[7] The central feature of the group was the temple sacred to Apollo,[8] the divine patron, some said the father of

[1] Dio 51. 22; C. I. L. i, p. 399.

[2] Mon. Anc. chap. xix 'aedem divi Iulii'. It was built on the spot where Julius's body had been burnt, Dio 47. 18. For representations of it upon coins see Eckhel, vi. 75. For an account of the temple and the remains of it now visible see Jordan, Hermes, ix. 342.

[3] Dio 51. 19.

[4] Mon. Anc. chap. xxi 'Martis Ultoris templum'. Suet. Aug. 29 'bello Philippensi pro ultione paterna suscepto voverat'. It was dedicated on Aug. 1, 2 B. C., Jordan, Topogr. i. 2. 443; Vell. Pat. 2. 100; Dio 60. 5. To this temple the standards recovered from the Parthians were removed from the small temple of Mars Ultor on the Capitol (dedic. in 20 B. C.), Mon. Anc. chap. xxix; Mommsen, R. G. D. Aug. p. 126. For the extant remains near the Arco de' Pantani see Jordan, i. 2. 446; Middleton, Anct. Rome, [ii. 9].

[5] Jordan, Topogr. i. 2. 439; Appian, B. C. 2. 102.

[6] Preller, Röm. Myth. 391. In the Pantheon of Agrippa statues of Mars and Venus and of Julius were set up. Dio 53. 27.

[7] Dio 49. 15; 53. 1; C. I. L. i, p. 403.

[8] Mon. Anc. chap. xix; Suet. Aug. 29.

Augustus,[1] and the deity who from his temple at Actium had helped to win the day for Rome.[2] It was built entirely of white marble from Luna, and filled with masterpieces of Greek art. Round the area in which it stood ran the 'golden colonnade' of which Propertius sang,[3] with its columns of 'giallo antico'. Flanking this peristyle on three of its four sides were the Greek and Latin libraries,[4] and the central hall in which stood a bronze statue fifty feet high representing Augustus with the attributes of Apollo.[5] On the fourth side was the great entrance[6] from which a broad street (vicus Apollinis) led down to the Sacra Via and the Forum. The most splendid of all the splendid buildings of Rome, the temple of Apollo of the Palatine and of Actium, testified more clearly than any of them to the past services and the present greatness of Caesar.

But the memorial temples were not the only links by which the name and rule of Augustus were associated with the worships of the Roman people. His official connexion,[7] as chief pontiff, with the ancient worship of Vesta, the goddess of the sacred hearth of the community, and with the maidens who guarded the eternal fire, was given a more intimate and

[1] Suet. Aug. 94. [2] Verg. Aen. 8. 704; Propertius 4. 6, 29.

[3] Propertius 2. 31. For a graphic description of the temple and its surroundings see Lanciani, Anct. Rome, 110 foll.

[4] Suet. Aug. 29 'addidit porticus cum bibliotheca Latina Graecaque'. Dio 53. 1.

[5] Plin. N. H. 34. 43; Lanciani, Anct. Rome, 112; Serv. ad Ecl. 4. 10; Suet. Aug. 70. Comp. Cohen, i. Aug. No. 117, head of Augustus as Apollo.

[6] Over this was the work of Lysias 'quadriga, currusque et Apollo ac Diana ex uno lapide', Plin. N. H. 36. 36. Diana was connected with the victory over Sextus Pompeius (περὶ τὸ Ἀρτεμίσιον, Dio 49. 8; cf. coins with legend Sicil. and a figure of Diana, Cohen, i, Nos. 121, 145, 168–71), as was Apollo with the victory at Actium. The inscription given by Eckhel, vi. 94 (Orelli 2626), mentioning a 'sacerdos Dianae Victricis et Apollinis Palatini', is probably spurious [C. I. L. ix. *256]. For the prominence given to Apollo and Diana at the Ludi Saeculares in 17 B.C. see Horace, Carm. Saecul. and Preller, Röm. Myth. 275.

[7] Marquardt, iii. 328 [ed. 2, p. 341].

personal character by the establishment in his own residence on the Palatine of a temple and altar of Vesta.[1] To the temple of Palatine Apollo were brought the sacred Sibylline books,[2] and thus within the narrow limits of the original Rome and in close proximity to the monuments of the first king were placed, under the personal guardianship of the new ruler, the worship which of all others was most closely bound up with the existence of the state, and the ancient oracles in which its fortunes were foretold.

From this intimate association of Augustus with the gods of the state among whom he dwelt, of whose worships he was the guardian, and in whose name he ruled, to his formal enrolment among their number was not a long or a difficult step.[3] It was made easier by the innumerable prayers, thanksgivings, and festivals, in which the public gratitude for his past services and the public anxiety for the continuance of his life and health as essential to the well-being of the state found expression.[4] To the solemn prayers annually offered on the first of January for the safety of the republic, special prayers for the safety of Caesar and his house were added by decree of the senate as early as 30 B.C.[5] In the same

[1] Ovid, Fast. 4. 949. The temple was founded in 12 B. C., C. I. L. i, p. 392. He increased the privileges of the Vestal virgins, Suet. Aug. 31. 44; Dio 54. 27.

[2] Suet. Aug. 31 'condidit duobus forulis auratis sub Palatini Apollonis basi'.

[3] Ovid, Fast. 4. 949 associates Augustus as a third god dwelling with Apollo and Vesta on the Palatine, 'aeternos tres habet una deos.'

[4] Suet. Aug. 57 'pro quibus meritis quantopere dilectus sit'. Compare the language used in offering to him the title of 'pater patriae (2 B. C., ibid. 58) quod bonum faustumque sit tibi domuique tuae . . . sic enim nos perpetuam felicitatem rei p. et laeta huic urbi precari existimamus'. Compare also the legend on a coin of Mescinius Rufus, Cohen (ed. 2), i. No. 462, p. 128 'votum susceptum pro salute imperatoris Caesaris quod per eum Respublica in ampliore atque tranquilliore statu est' (16 B. C.), and the salutation of the sailors in the harbour of Puteoli (Suet. Aug. 98), 'per illum se vivere, per illum navigare, libertate atque fortunis per illum frui'.

[5] Dio 51. 19. These 'vota annua' for the emperor were at least from

year[1] the senate ordained that in every fifth year the victory at Actium should be commemorated by solemn prayers for the good health of Caesar[2] and by the celebration of votive games.[3] The deity to whom these periodic vows were made was Apollo of Actium,[4] and the duty of offering them and of holding the games was entrusted in turn to each of the four principal sacred colleges of the pontiffs, the augurs, the 'septemviri epulonum', and the 'quindecimviri sacris faciundis'.[5] There were lastly the 'vota', offered on special occasions for his safety when abroad, or for his return to Rome, e.g. on his return from the East in 19 B.C., on his departure for Gaul in 16, and on his return from Spain in 13 B.C.[6] The extant calendars of the time, too,[7] bear witness to the care with which the chief events of his life were commemorated. They are filled with the holidays, thanksgivings, sacrifices, and games with which the anniversaries of his birth,[8]

38 A. D. onwards offered on Jan. 3 by the magistrates and the sacred colleges. The prayers, or more strictly speaking the vows, were made to the three great Capitoline deities, Jupiter, Juno, and Minerva. For a specimen see Henzen, Acta Fr. Arval. p. 91. For other reff. to this 'votorum nuncupatio' which became universal throughout the Empire see Marquardt, iii. 256 [267].

[1] Dio 51. 19; 53. 1; Mon. Anc. chap. ix.

[2] 'Pro valetudine mea,' Mon. Anc. ibid. Compare the coin of Antistius Vetus with the legend 'pro valetudine Caesaris S. P. Q. R.' Cohen, i, p. 111, No. 349.

[3] Plin. N. H. 7. 158 'ludis pro salute divi Augusti votivis'.

[4] Cohen i, p. 110, No. 343 'Apollini Actio', of B. C. 16.

[5] Dio 53. 1; C. I. L. vi. 877 'summae sacerdotibus pro ludis quos pro salute Caesaris fecerunt'. The celebration in 16 B. C. was under the care of the XV viri. Dio 54. 19. Comp. Mommsen, R. G. D. Aug. p. 42. The first games were held in 28 B. C. 'celebrati sunt deinceps ternis annis solidis intermissis' (Mommsen, l. c.). Plin. N. H. 7. 158 mentions the celebration in 9 A. D.

[6] Mon. Anc. Lat. chap. xi, xii. Comp. the coins of Mescinius, Cohen i, p. 129, No. 462, and pp. 106, 128, Nos. 183, 320. The vows in these cases were made 'Iovi optimo maximo'. Cf. C. I. L. vi. 385, 386 [Dessau 95] 'ludi votivi pro reditu Imp. Caes. Aug.' in 13 B. C. and 7 B. C.

[7] See for these Mommsen's Commentarii Diurni, C. I. L. i, pp. 382–410, and for the dates of the various calendars ibid. pp. 294 foll.

[8] Sept. 23. The celebration of his birthday was ordered by the senate in

of his assumption of the toga virilis,[1] of his first investment with the imperium,[2] of his chief victories,[3] and of the bestowal upon him of his distinctive titles,[4] were celebrated. Nor were the 'vota' or the various commemorative ceremonies limited to Rome, or to those instituted by the authority of the Roman senate and people. Throughout Italy, by communities and by private individuals, vows were offered for his safety, and his festivals were religiously observed.[5]

But in all this there was no direct worship of Augustus himself. The vows and the sacrifices were offered to one or another of the recognized gods, and the games were held in their names.[6] Augustus was honoured as a sovereign, it is true, rather than as a citizen of a republic, but not as a god. It was, however, almost inevitable that in course of time the man on whose behalf and in whose honour these acts of worship were performed should not only be placed on a level with the gods to whom they were addressed, but should even become himself their object. The roll of the gods whom the Romans might worship was as open to additions as the roll of saints in the Catholic Church. On that roll the senate and people had formally placed the name of the dead

30 B. C., Dio 51. 19. It was specially kept by the 'equites'. 'Sponte atque consensu,' Suet. Aug. 57.

[1] Oct. 18 'supplicatio Spei et Iuventuti', Comm. Diurn. ad loc.

[2] Jan. 7 (43 B. C.) 'primum fasces sumpsit, supplicatio Iovi', ibid.

[3] Sept. 3 (36 B. C.) the defeat of Sextus Pompeius 'feriae et supplicationes aput omnia pulvinaria'. Sept. 2 (31 B. C.) victory at Actium. Aug. 1 (30 B. C.) capture of Alexandria.

[4] Jan. 16 (27 B. C.) 'Augustus appellatus est'. March 6 (12 B. C.) 'pontifex Maximus factus'. Feb. 5 (2 B. C.) 'pater patriae appellatus'.

[5] Some of the calendars are local, e.g. those of Praeneste, Amiternum, and Cumae. Mon. Anc. chap. ix. '[privat]im etiam et municipatim univer[si cives sacrificaverunt sempe]r apud omnia pulvinaria pro vale[tudine mea]'. Comm. Diurn. p. 410. Compare the 'ludi' in honour of the 'Victoriae Caesaris Aug.' established at Iguvium, Mommsen, R. G. D. Aug. 67, note; [C. I. L. xi. 5820, Dessau 5531]. For local collegia see below.

[6] Even for the inclusion of his name in the Salian hymn (Mon. Anc. chap. x; Dio 51. 20) there was republican precedent, Varro de L. L. 9. 61.

Julius,[1] and though the living Augustus was never thus officially included 'in the number of the gods', the enthusiastic homage of the public readily overstepped the limits laid down by the state. The frank and outspoken Caesar-worship of the Eastern provinces[2] was no doubt as yet confined to them. But in Italy and even in Rome there are signs that Augustus, the descendant of gods[3] and the son of a god,[4] the one visible ruler of the world,[5] was in the eyes of the people nothing less than a god himself. Stories were told and retold of the signs and wonders which preceded his birth and followed him through life, of his miraculous powers and prophetic foresight.[6] Nor was it only in the common talk of the people, or in the language of poetry,[7] that he was hailed as divine. As early as 27 B.C. Sextus Pacuvius, a senator and a tribune, devoted himself to the numen of Augustus, and persuaded the people in the streets to do the same.[8] In several Italian towns, as the inscriptions prove, priesthoods of Augustus were instituted, and altars to Augustus erected during his lifetime,[9]

[1] Mommsen, Staatsr. ii. 717 [ed. 3, p. 756], aptly quotes the inscription C. I. L. ix. 2628 'genio deivi Iuli, parentis patriae, quem senatus populusque Romanus in deorum numerum rettulit'.

[2] [See Bevan, English Historical Review, xvi. 625.]

[3] Hor. Od. 4. 5. 1 'divis orte bonis'.

[4] Comp. the ordinary legend on coins, &c. 'divi filius'.

[5] Cenot. Pis. Wilm. Exempl. 883 'custodis imperi Romani totiusque orbis terrarum praesidis', and ibid. 104 (ara Narbonensis) 'orbi terrarum rectorem'.

[6] Suet. Aug. 94 sqq.

[7] Ovid, Fast. 4. 949; Hor. Od. 4. 5. 31 'alteris te mensis adhibet deum'; ibid. Od. 1. 2. 41; 3. 3. 11 'quos inter Augustus recumbens'; Verg. Ecl. 1. 7.

[8] Dio 53. 20 ἑαυτὸν οἱ τὸν τῶν Ἰβήρων τρόπον καθωσίωσε. Comp. the common formula of later times 'devoti numini maiestatique eius'. In its original sense this form of devotion was military. Val. Max. 2. 6. 11 'Celtiberi nefas esse ducebant praelio superesse, cum is occidisset, pro cuius salute spiritum devoverant'.

[9] e.g. at Pompeii. C. I. L. x. 837, 840, 948 'Sacerdos Augusti, flamen Augusti'. The 'ministri' (885–90), who describe themselves at first as 'ministri of Mercurius and Maia', then as 'min. Aug. Merc. Mai.', and finally as 'min. Aug.', illustrate the transition from the worship of other gods in connexion with Augustus to that of Augustus himself; see supra, p. 107, Mommsen,

and but for his pertinacious refusal similar honours would have been paid to him in Rome.[1]

But there was one form assumed by his worship which as involving but a slight departure from established practice[2] was not only tolerated by Augustus, but, in all probability, encouraged by him for political purposes. The worship of the genius or numen Augusti was of all forms of Caesar-worship the most widely spread, and as regards its place in the history of the empire the most important. It was, no doubt, in strictness to the 'numen Augusti', rather than to the living man himself, that the worships in Italy were addressed,[3] and it was in this shape that Caesar-worship established itself in the houses of rich and poor alike.[4] Along with the images of the Lares and Penates was placed that of Augustus. So this 'genius' shared with the Lares the libations poured in their honour and the offerings placed for their acceptance.[5] Altars were raised to it, and oaths taken in its name.[6] The worship which thus established Augustus as a household god in the homes of the people[7] and gave him a place in one of their oldest worships was admirably fitted to serve his interests and those of the

Staatsr. ii. 717 [757]. At Pisae, Wilm. Ex. 883, were an Augusteum and a flamen Augustalis. At Pola we have an altar 'Romae et Augusto', Orelli, 606, at Perusia a grove, 'Augusto lucus sacer,' Orelli, 607. Boissier, Rel. Rom. i. 149, gives from Orelli, 3874, a 'flamen Caesaris Augusti' at Praeneste, but the reading is doubtful; see C. I. L. xiv. 2964. The 'Caesareum' built by Vedius Pollio (Orell. 2509, C. I. L. ix. 1556) was not, as he states, at Puteoli but at Beneventum, and need not imply a worship of Augustus. C. I. L. x. 1613 mentions a 'templum Augusto sacrum' at Puteoli; comp. Suetonius's account of the sailors at Puteoli, Aug. 98 'candidati coronatique et tura libantes' [p. 105, note 4].

[1] Suet. Aug. 52 'in urbe quidem pertinacissime abstinuit hoc honore'.

[2] For the 'genii' and their place in Roman worship see Preller, R. Myth. 566 sqq. and the inscriptions in Orelli, 1680–1732.

[3] Wilm. Ex. 884. [4] Ovid, Ep. 2. 8. 9; Hor. Od. 4. 5. 31.

[5] Dio 51. 19; Ovid, F. 2. 637.

[6] Hor. Epp. 2. 1. 15; Tac. Ann. 1. 73.

[7] Orelli, 1667 'genio Augusti et laribus paternis'.

empire on a larger scale. The title Augustus with which, rather than with any more personal name, the worship of the genius was connected,[1] implied at once pre-eminent majesty and special sanctity.[2] It belonged only to the 'princeps', and neither in the lifetime of Augustus himself nor afterwards was it ever shared, like Caesar, with other members of the imperial house.[3] It did not denote any special official prerogative and yet it was not, like 'princeps', simply a title of courtesy accorded by general usage.[4] But just as the associations of 'princeps' were all with the restored republic in which the first holder of the title claimed to be only the first citizen, so 'Augustus' expressed the sovereign authority which in fact he wielded. The original personal connexion with the hero of Actium was gradually obscured and the worship of Augustus, or of the genius or 'numen' of Augustus, became the worship not of the first Augustus or of the reigning emperor so much as of the eternal majesty of the empire to which Romans and provincials alike owed political loyalty and religious reverence. That Augustus foresaw its future importance as the one genuinely catholic worship of the empire, the continuity of which was unbroken by any change of rulers, and whose universality triumphed over all distinctions of race, or rank, or language, it would be rash to assert. But he seems to have recognized the utility of a worship, impersonal in character, and yet indissolubly associated with his own personal rule, a worship, moreover, in which communities and individuals, Romans and provincials, rich and poor, could equally join. We have already seen how in Gaul, in Illyria, in Greece, and in Asia Minor, this worship was officially established as

[1] The 'genius' of a particular emperor and the 'genii' of the Caesars also occur in inscriptions, but more rarely. Orelli, 1717, 1718; C. I. L. vi. 251 'genio Ti. Caesaris', 252 (Trajan), &c.

[2] Preller, R. Myth. 784; Vegetius 2. 5 'imperator cum Augusti nomen accepit, tamquam praesenti et corporali deo fidelis est praestanda devotio'.

[3] Mommsen, Staatsr. ii. 731 [773; compare p. 1168]. [4] [P. 49 above].

an outward and visible symbol of his sovereignty.[1] In Rome and Italy, under the shadow of the old republic, and in the immediate presence of the ancient gods, the spread of the worship was probably due, as has been said, mainly to the spontaneous action of municipal authorities and private persons.[2] But in one instance there can be little doubt that Augustus at least sanctioned its establishment. No worship was more closely bound up with the life of the lower classes in Rome and Italy than that of the Lares compitales, and no festival was more peculiarly theirs than the 'ludi compitalicii'.[3] In Rome the worship and the games had been suppressed by Caesar, as a source of disorder. Augustus revived both [4] and connected them with a new municipal organization of the city.[5] But in the revived worship there was a new element, the introduction of which is nowhere directly ascribed to him, but which cannot have been introduced without his sanction. For in each of the cross-road chapels was now placed in addition to the two Lares compitales a third deity, the Lar or genius of Augustus,[6] of the beneficent ruler who had

[1] [This refers to a section never written. For the matter involved see Mommsen's Roman Provinces, Hirschfeld's Zur Geschichte des röm. Kaiserkultus, and E. G. Hardy's Studies in Roman History, pp. 236 foll.]

[2] The temples dedicated to Augustus in his lifetime at Puteoli (C. I. L. x. 1613) and at Pompeii (ibid. 816) were created by private persons; see for the latter and for the similar temple of the Fortuna Augusta Nissen, Pompeianische Studien, 182, 270 sqq.

[3] Boissier, Relig. Rom. i. 154, Marquardt, iii. 197 [203], and the references there given; comp. also Cic. Ad Att. 7. 7 'compitalicius dies est. Nolo eo die in Albanum [venire] ne molestus familiae veniam'.

[4] Suet. Aug. 'nonnulla ex antiquis caerimoniis ... restituit ludos Saeculares et Compitalicios. Compitales Lares ornari bis anno instituit vernis floribus et aestivis'. The two festivals were on May 1 and (?) Aug. 1, Marquardt, l. c.

[5] The date was 7 B.C., Dio 55. 8. The old 'collegia compitalicia' were not revived. The care of the chapels and the celebration of the games were entrusted to the 'magistri vicorum'.

[6] Ovid, F. 5. 145 'mille Lares, geniumque ducis, qui tradidit illos, | urbs habet, et vici numina trina colunt'. In the time of Vespasian there were in Rome 265 'compita larum', Plin. N. H. 3. 66. The Lares compitales were themselves styled 'Lares Augusti'; see the inscriptions, C. I. L. vi. 445–54,

given back to the people their favourite holiday. That Augustus should thus associate his name and his worship with the daily life of the 'plebs' was in keeping with a principle of his policy of which more will be said directly:[1] his moral and social reforms clearly prove his anxiety not merely to restore social order by assigning to each class an appropriate career, a definite status, and definite privileges, but to connect each class with himself and his rule by special ties. Among these ties that of religion was one. The revived splendour of the great priestly colleges[2] gratified the vanity of the nobles, but of all Augustus was himself a member,[3] and in all prayers for his safety, the commemoration of his anniversaries, or the celebration of his festivals were a constant and important duty.[4] In the college of the Arval Brethren, which he restored,[5] the greatest nobles of Rome were associated with the emperor himself.[6] In their records,[7] the

one of which belongs to the year 2 B.C. The dedications are usually 'Laribus Augustis', occasionally 'Laribus Augustis et genio Caesarum'.

[1] See below, p. 136.

[2] Suet. Aug. 31 'sacerdotum et numerum et dignitatem sed et commoda auxit'. In addition to the 'quattuor amplissima collegia' (Mon. Anc. chap. ix) of the pontiffs, augurs, vii viri epulones, xv viri sacris faciendis, Augustus revived, or reconstituted, the sodales Titii and the Fratres Arvales.

[3] Mon. Anc. chap. vii, Wilmanns, Exempla, 880. That he belonged to the Arval brotherhood is also proved by their Acta, Henzen, Acta Fr. Arv. p. xxx, which mention 'imperator Caesar Augustus' as assisting at the co-optation of Tiberius's son Drusus.

[4] Boissier, Rel. Rom. i. 111, remarks of the Arval Brethren that in their 'acta' 'il est plus souvent question des empereurs que des dieux'. The xv viri were charged with the worship of the Palatine Apollo, and, in turn with the other three chief colleges, with the quinquennial 'vote' and 'ludi votivi' 'pro valetudine Caesaris Aug.'; see above, pp. 104, 106.

[5] For the earlier history of this brotherhood and its restoration by Augustus see Henzen's classical monograph, 'Acta Fratrum Arvalium' (Berlin, 1874), pp. i, foll.

[6] e. g. in the earliest extant fragment of the Acta (Henzen, p. xxix) appear the names of Cn. Cornelius Lentulus and Domitius Ahenobarbus, L. Calpurnius Piso, and Paullus Fabius Maximus.

[7] For the discovery of these in the ancient grove of the Dea Dia see Henzen, op. cit., and also his report on the excavations undertaken there in

worship of the oldest deities of Rome and Italy,[1] and ceremonies[2] which dated from the time when a few square miles comprised the whole extent of Roman territory, are mingled with prayers and sacrifices concerned with Caesar, his house, and his fortunes.[3] To the knights priesthoods were appropriated of a lower rank and less closely associated with the emperor, but in which the duties of his worship were none the less a prominent feature.[4] Below these again, as we have seen, were the plebeian 'magistri vicorum', at once the petty officers of their quarter and the appointed ministers of the worship of the Lares Augusti.[5]

1866 at the cost of the late Empress Augusta, Scavi nel bosco sacro dei Fratelli Arvali, Roma, 1868. Altogether the records cover a period extending from 14 A.D., the year of Augustus's death, to 241 A.D.

[1] Henzen, p. ix.

[2] Henzen (p. 46) rightly identifies them with the Ambarvalia and the 'lustratio agrorum' (Verg. Georg. 1. 345), and the grove with the spot called Φήστοι mentioned by Strabo, p. 230, as marking in early times the limit of Roman territory and as a station at which sacrifices were offered in the Ambarvalia. It was between five and six miles only below Rome on the right bank of the Tiber. The primitive nature of the Arval ritual, and in particular of the vessels used, is pointed out by Henzen, pp. 18–40, and no doubt contrasted effectively with the splendour of the fraternal banquets. Comp. Lanciani, Anct. Rome, 42–4.

[3] The birthdays of the emperor and his nearest relatives, the day of his receiving the imperium, the tribunician power, or the consulate, were all duly commemorated. The day of Augustus's happy return from the East in 19 B.C. was still duly kept by the College in 66 A.D.

[4] The 'Luperci' were 'equites'. Val. Max. 2. 2. 9 speaks of the Lupercalia (which Augustus had restored, Suet. Aug. 31) as an equestrian festival. Comp. C. I. L. vi. 912 and Marquardt, iii. 426 [445]. Comp. also the priestly Collegium Laurentium Lavinatium; C. I. L. xiv, p. 187; Marquardt, iii. 457 [477]; Mommsen, Staatsr. iii. 566. The 'equites' had also their special celebration of Augustus's birthday, Suet. Aug. 57.

[5] For their municipal duties see p. 139. In the towns of Italy a somewhat similar worship is found in connexion with the 'pagi' and the 'magistri pagorum', e.g. at Pompeii, Nissen, Pomp. Stud. 183, 273; also with 'pagi' in Rome, C. I. L. vi. 251. I have not treated here of the 'seviri Augustales' and the 'ordo Augustalium', since the religious purpose of these is at least doubtful.

When we pass from the sphere of religion to that of morals and manners, we find the policy of Augustus guided by the same general principles. The moral code which he enforced was like the religion which he restored, that once obeyed in republican Rome and still in force among the simpler populations of Italy. It was enforced with a view not only to the repression of vice, but to preserving the purity and vigour of the imperial Italian race, whose political ascendancy he substituted for that of the Roman nobles and plebs. Here also he laboured to establish a social order which should be linked as closely as possible with himself and with the régime which he had founded, and which should give to that régime stability and permanence.

The purity of Augustus's personal morals is at least as much open to doubt as the sincerity of his professed respect for the old constitution or the ancient worships. But the same authority[1] who retails the various scandals current as to his private life lays stress on the consistency with which, in manners, as in politics or religion, he illustrated by his own example the precepts which he taught. The simplicity of his personal habits may have been inherited from his bourgeois forefathers, the plain burghers of Velitrae, but they conveyed, and were no doubt meant to convey, the same lesson which his laws enforced. The modesty of his house on the Palatine[2] contrasted effectively with the splendours of the adjoining temple and libraries, while the plainness of its furniture[3] excited the surprise of Suetonius. For forty years he used the same sleeping chamber summer and winter, nor as a rule did he wear any clothing but that which, in the old-fashioned style, had been woven for him by the women of his household.[4]

Of the measures by which he endeavoured to carry out his reform of manners, the two best known are the Lex

[1] Suet. Aug. 72, 73.

[2] Ibid. l. c. 'aedibus modicis . . . neque laxitate neque cultu conspicuis porticus breves . . . sine marmore ullo aut insigni pavimento conclavia'.

[3] Ibid. l. c. 'vix privatae elegantiae'. [4] Ibid. l. c.

Iulia de adulteriis [1] and the Lex Iulia de maritandis ordinibus [2]. Both belong to the year 18 or the earlier part of the year 17.[3] The main object of the former was, as its name implies, to check the licentiousness, which was rife in Roman society, by enforcing observance of the marriage tie.[4] It was probably drawn on the same lines as the laws by which Sulla had dealt with other public offences, and with these it is classed in the Digest.[5] Like them it at once defined the nature of the offence, fixed the penalties, and determined the procedure to be followed when a case arose.[6] Adultery was an offence of which as yet Roman law [7] had taken little notice, partly perhaps owing to its comparative rarity in earlier times, but still more to the fact that it was regarded as an offence falling within the domestic jurisdiction of the head of the household, whether husband or father, [8] and of the family council. In the latter days of the republic, injured husbands no doubt found a remedy in the facilities which existed for divorce. For the primitive and probably decaying jurisdiction of the paterfamilias, and the equally primitive right of private vengeance where the guilty parties were caught in the act, the Lex Iulia aimed at substituting the more regular procedure of the law.[9] Neither were

[1] Suet. Aug. 34 'de adulteriis et de pudicitia'. Dig. 48. 5 'ad legem Iuliam de adulteriis coercendis. Haec lex lata est a divo Augusto'.

[2] Suet. Aug. 34; Dio 54. 16.

[3] Both are apparently placed by Dio (l. c.) in the year 18, and both were carried before the celebration of the 'ludi Saeculares' in the summer of 17, Hor. Od. 4. 5 and Carmen Saecul. The Lex de adult. is usually placed in the latter year. Rein, Criminalrecht d. Römer, 839.

[4] Ovid, Fast. 2. 139 'Hic castas duce se iubet esse maritas'.

[5] Dig. 48. 1 'ex legibus iudiciorum publicorum, ut Iulia maiestatis, Iulia de adulteriis, Cornelia de sicariis et veneficis'.

[6] Plut. Apophth. 9 πῶς δεῖ κρίνεσθαι καὶ κολάζεσθαι. It must in fact have established a 'quaestio perpetua de adulteriis'.

[7] That there were earlier laws on the subject is shown by Rein, Criminalrecht, 838, but little or nothing is known of them.

[8] It of course came within the extra-judicial authority of the censors.

[9] Schol. ad Hor. Sat. 2. 7. 61 'iussit adulterii cognitionem ad iudices referri'.

abolished, but the exercise of both was carefully restricted.[1] The scope of the offence was widened so as to include the accessory agents, and the penalty on conviction was banishment with the loss in the case of the woman of one-third of her property, in the case of the man of one-half.[2]

It is possible that it was not only with this particular form of immorality that this law was concerned, and that under the head 'de pudicitia' other regulations affecting public decency were included. That Augustus made such regulations is certain. Dio [3] represents him as lecturing the senate on the dress and behaviour, on the public appearances, and the modesty of women. The revival of the Lupercalia and of the Ludi Saeculares was accompanied by precautions against indecency.[4] The licence which prevailed at the public games and shows was checked.[5] Women were prohibited from witnessing the athletic contests, and only allowed to look on at the gladiatorial fights from the upper rows.[6] Extravagances and novelties in dress were discouraged,[7] and, quite in the traditional manner, a sumptuary law was passed limiting the expenditure on banquets.[8]

[1] For these see Rein, 853 foll. Tac. Ann. 2. 50 mentions an instance of the exercise of the family jurisdiction in the reign of Tiberius.

[2] Paulus, 2. 26; Rein, 848.

[3] In 18 B.C. Dio 54. 16 *περὶ τῆς ἐσθῆτος καὶ περὶ τοῦ λοιποῦ κόσμου τῶν τε ἐξόδων καὶ τῆς σωφροσύνης*. The 'lex de adulteriis' also attempted to diminish the facilities for divorce by requiring a formal declaration of divorcement in the presence of witnesses. Dig. 24. 2. 9; Suet. Aug. 34.

[4] Suet. Aug. 31 'Lupercalibus vetuit currere imberbes. Saecularibus ludis iuvenes utriusque sexus prohibuit ullum nocturnum spectaculum frequentare, nisi cum aliquo maiore natu propinquorum'.

[5] Suet. Aug. 44 'spectandi confusissimum ac solutissimum morem correxit'. Cf. the restrictions on the exhibition of games, Dio 54. 2 (22 B.C.). Plin. N.H. 33. 32 alludes to a 'lex Iulia theatralis'.

[6] Suet. Aug. 44.

[7] Suet. Aug. 40; Dio 54. 16.

[8] Gell. 2. 24 'lex Iulia ad populum pervenit, Caesare Augusto imperante, qua profestis quidem diebus ducenti finiuntur, Kalendis, Idibus, Nonis, et aliis quibusdam festis trecenti, nuptiis autem et repotiis sestertii mille'. The law is mentioned by Suet. Aug. 34 with that de adulteriis.

The ulterior political motives which underlay this moral reform are more plainly visible in the second of the two laws carried in 18–17, the Julian law for 'the marrying of the orders', as it was significantly styled.[1] It was carried in 18 B.C., but in the face of an opposition which compelled Augustus to soften the harshness of its original provisions.[2] These concessions, however, failed either to diminish the unpopularity of the measure or to increase its efficiency. Towards the close of his reign a vehement appeal for its abolition, proceeding chiefly, it would seem, from the knights,[3] induced Augustus still further to modify its terms. In 9 A.D. a fresh law was enacted, which bore the name of the consuls who carried it, M. Papius Mutilus and A. Poppaeus Secundus.[4] This law, the Lex Papia Poppaea, and the original Lex Iulia which it supplemented and partially superseded, are usually referred to together as the 'Lex Iulia et Papia Poppaea'.[5]

The ostensible aim of this legislation, the encouragement of marriage and the production of children, was one for

[1] Suet. Aug. 34 'de maritandis ordinibus'. The references to it and to the Lex Papia Poppaea are collected in Haenel, Corp. Legum, pp. 24–9; comp. Rein, Privatrecht, 461 sqq. The law is referred to in the Sctum (?) de ludis saecularibus (17 B.C.), C. I. L. vi. 877 'spectare liceat ieis qui lege de marita . . .'; see also Dio 54. 16, Hor. Carm. Saec. 17 'patrum prosperes decreta super iugandis feminis, prolisque novae feraci lege marita'.

[2] Dio 54. 16 καταβοήσεως γενομένης, Suet. Aug. 34 'prae tumultu recusantium perferre non potuit nisi adempta . . . parte poenarum, vacatione triennii data (Dio 56. 7) auctisque praemiis'.

[3] Suet. Aug. 34 'abolitionem publico spectaculo pertinaciter postulante equite'; Dio 56. 1 ἐπειδή τε οἱ ἱππεῖς . . . καταλυθῆναι ἠξίουν, ἤθροισεν ἐς τὴν ἀγορὰν . . . καὶ διελέξατο αὐτοῖς τοιάδε. It was probably on this occasion that Augustus produced Germanicus and his children, 'pour encourager les autres,' Suet. Aug. 34. The occasion was possibly that of the 'recognitio equitum' (ibid. 38).

[4] Dio 56. 10; Tac. Ann. 3. 25. They were 'consules suffecti' for the last six months of the year and both of them unmarried and childless. Dio l. c.; Klein, Fast. Cons. p. 18.

[5] Gaius 1. 145.

which Augustus, with justice, claimed the sanction of ancient custom and opinion. Among the duties which Cicero assigns to the censors is that of prohibiting celibacy,[1] and when introducing his law into the senate Augustus read aloud, as most appropriate to the occasion, the exhortations on this point addressed to the people 131 B.C. by the censor Metellus Macedonicus.[2] It is indeed possible that ten years before the Julian law was carried Augustus had himself attempted a reform in this direction by means of the 'censorial power'.[3] Apart from its conformity with the practice of antiquity in enforcing upon citizens the duty of rearing children for the service of the state, the law dealt with an evil which in Rome, and probably to a less extent in Italy, was real and serious. To maintain the purity and increase the numbers of the ruling race[4] was for Augustus an object of first-rate importance. How much stress he laid in maintaining the distinction between them and the nations they ruled is evidenced by the sparing manner in which he bestowed the franchise,[5] by his anxiety to enforce the

[1] Cic. de Legg. 3. 3 'caelibes esse prohibento'; Val. Max. 2. 9. 1, of the censors of 403 B.C.

[2] Livy, Epit. 59 'Q. Metellus censor censuit ut cogerentur omnes ducere uxores liberorum creandorum causa: exstat oratio eius quam Augustus Caesar, quum de maritandis ordinibus ageret, velut in haec tempora scriptam, in senatu recitavit'. Suet. Aug. 89. Gellius, i. 6, in quoting the well-known sentiment that 'we can neither live with nor without wives', wrongly ascribes the speech to Metellus Numidicus, censor in 102.

[3] In 27 B.C., Propert. 2. 7. 1 (written in 26 B.C.) and Marquardt, Privatleben d. Römer, i. 73 [75, ed. 2]. Caesar, according to Dio 43. 25 πολυπαιδίας ἄθλα ἐπέθηκεν. In the allotments of the ager Campanus under his agrarian law (59 B.C.) preference was given to fathers of three or more children, Dio 38. 7; Suet. Iul. 20.

[4] In the speech which Dio puts into the mouth of Augustus (9 A.D.) the latter directly appeals to their imperial responsibilities ὑμεῖς δὲ ἑτέρων ἄρξετε καὶ οἱ ἄλλοι ὑμῖν ὑπακούσουσι, Dio 56. 3.

[5] Suet. Aug. 40 'magni praeterea existimans sincerum atque ab omni colluvione peregrini ac servilis sanguinis incorruptum servare populum, et civitatem Romanam parcissime dedit et manumittendi modum terminavit'.

wearing of the toga,[1] and even by the regulation which confined deputations sent by provincial communities or foreign peoples to the less honourable seats at the games.[2] But both the numbers and the purity of the Roman race were on the decline. Marriage, easy as were the conditions allowed by the Roman law of the day, was generally regarded as an irksome tie, and was only advocated by Augustus as an unwelcome necessity.[3] The feeling was the natural outcome of the changes which had passed over Roman society in the course of the last century.[4] The old strict subordination of the wife to the husband, under whose 'hand' she was, was disappearing; and its place was taken, not by any close and equal partnership between husband and wife, but by a freedom which, without securing to married women a healthy social position and influence, offered dangerous facilities for licence. The husbands, who professed to regret the homely housewives of an earlier time,[5] and protested their inability to control or tolerate the emancipated wives of the present day, revenged themselves either by abstaining from marriage, or by freely using the powers of divorce which the law placed in their hands.[6] To the more cultivated men the prospect of union with women, who, while unfitted to be intelligent companions, had ceased to be useful servants, and whose freedom could only find exercise in the gratification of their

[1] Suet. Aug. 40 'negotium aedilibus dedit, ne quem posthac paterentur in foro circave nisi positis lacernis togatum consistere'.

[2] Ibid. 44 'legatos liberarum sociarumque gentium vetuit in orchestra sedere'.

[3] Dio 56. 8 *μηδεὶς ὑμῶν οἰέσθω με ἀγνοεῖν, ὅτι ἔστι τινὰ καὶ ἐν τῷ γάμῳ καὶ ἐν τῇ τεκνοποιᾳ καὶ δυσχερῆ καὶ λυπηρά.*

[4] For fuller details as to these changes see Mommsen, Röm. Gesch. iii. 529; Marquardt, i. 61; Merivale, iv. 80. For the changes in the legal status of women see also Rein, Privatrecht, 368 and 446.

[5] Dio 54. 16; comp. Augustus's description of the traditional Roman wife, Dio 56. 3 *οἰκουρός, οἰκονόμος, παιδοτρόφος.*

[6] For the facility and frequency of divorce see Marquardt, i. 70; Friedländer, Sittengesch. (ed. 1869) i. 388.

vanity or their passions, was the reverse of attractive. In an age of increasing luxury and reckless extravagance among the rich and of growing poverty among the poor, the maintenance of a family was to rich and poor alike an unwelcome burden. Above all, slavery told with fatal effect upon Roman domestic life. It multiplied the temptations to vice; illicit unions with slaves or freedwomen afforded the gratifications of marriage without its responsibilities, and even marriage with a freedwoman often brought to the husband a wife not less attractive and more amenable to authority than one of his own rank.

To check these evils Augustus had recourse to legislation, a remedy which in spite of previous failures was still believed in. Marriage was now made obligatory upon all men between the ages of 20 and 60 and upon all women between 20 and 50.[1] Childlessness in men over 25 and in women over 20 was made punishable.[2] Widows and divorced women were also ordered to remarry within a specified time.[3] To enforce these regulations a system of penalties and rewards was devised.[4] The unmarried were declared incapable of inheriting property or accepting legacies; the childless ('orbi') were mulcted of half the amount of such bequests.[5] To escape these disabilities it was

[1] Ulp. 16. 1; Rein, Privatrecht, 463.

[2] Ulp. l. c. 'aetatis a qua lex liberos exigit', etc.

[3] On this point the lex Papia relaxed the requirement of the lex Iulia. Ulp. 14 'feminis lex Iulia a morte viri anni tribuit vacationem, a divortio sex menses. Lex autem Papia a morte viri biennii, a repudio anni et sex mensium'.

[4] Dio 54. 16 *τοῖς τε ἀγάμοις καὶ ταῖς ἀνάνδροις βαρύτερα τὰ ἐπιτίμια ἐπέταξε. καὶ ἔμπαλιν τοῦ τε γάμου καὶ τῆς παιδοποιίας ἆθλα ἔθηκεν.*

[5] Gaius, 2. 286 'caelibes quoque qui per legem Iuliam hereditates legataque capere prohibentur... item orbi qui per legem Papiam dimidias partes hereditatum legatorumque perdunt'. Failing other qualified heirs such property passed to the State. Tac. Ann. 3. 25 'incitandis caelibum poenis et augendo aerario'; ibid. 28 'ut si a privilegiis parentum cessaretur velut parens omnium populus vacantia teneret'. Gaius, 2. 206.

sufficient to have one child born in lawful wedlock,[1] but for the fortunate parents of three or more children various privileges were reserved.[2] In the election of magistrates and in the allotment of provinces those who possessed the 'ius trium liberorum' had the preference over others,[3] and the same ground of distinction determined the question of priority between the two consuls and between senators of equal official rank.[4] Of more value to the average citizen were the numerous exemptions from burdensome duties to which he thus became entitled, exemptions which increased in importance as the 'personal services' imposed by the state became more numerous.[5] Their substantial nature is sufficiently proved by the frequent applications made to the emperors by persons not legally qualified for a grant of these privileges.[6]

In determining what marriages should be reckoned as valid for the purposes of the law, the 'Lex Iulia et Papia Poppaea' touched upon a question—that of intermarriage with

[1] Juv. Sat. 9. 86 sqq. To the married of the lower classes special seats in the theatre were assigned, Suet. Aug. 44.

[2] Juv. Sat. 9. 89. The minimum number of children required for the 'praemia' granted by the law was in Rome three, in Italy four. Vatic. Fragm. 247. 191, 192. A 'ius IIII liberorum' is mentioned by Suet. Claud. 19. Sons killed in war might be reckoned to make up the number, Gell. 2. 15.

[3] Tac. Ann. 2. 51 'ut numerus liberorum in candidatis praepolleret, quod lex iubebat'. Plin. Epp. 7. 16 'ille me in tribunatu liberorum iure praecessit'. For the 'sortitio provinciarum' see Tac. Ann. 15. 19. Persons thus qualified could stand for magistracies before they had reached the legal age. Dig. 4. 4. 2 'ut singuli anni per singulos liberos remittantur'.

[4] Gell. 2. 15 'Kapite VII legis Iuliae priori ex consulibus fasces sumendi potestas fit non qui plures annos natus est, sed qui plures liberos... habet'. See also Rein, Privatrecht, 466, note 1.

[5] For these 'munera personalia' from which the 'ius III liberorum' gave exemption see Rein, 466. Among them were those of serving as 'iudices' and as guardians. To these exemptions must be added certain special rights of inheritance, Rein, l. c., and the references there given.

[6] The grant was originally made by decree of the senate, afterwards by the emperor, Dio 55. 2. Comp. Plin. Epp. 2. 13; 10. 96; Martial 2. 91.

persons who were not freeborn [1]—which was closely connected with the fundamental principles of Augustus's social policy. That policy did not merely aim at increasing the numbers of the ruling race, or even at preserving its purity. It was also intended to put an end to the existing social anarchy, and to settle definitely the position and the relations to each other and to the emperor of the various classes. Among freeborn citizens the law of the old republic recognized but one class distinction—that between the patrician and the plebeian. But though patrician birth still conferred prestige and commanded respect, and though some relics of the old patrician privileges remained,[2] the patriciate as an aristocratic caste had ceased to exist. For a seat in the senate,[3] for election to a magistracy, and for a vote in the assembly, all citizens were equally eligible, subject only to conditions imposed by the law upon all alike.[4] This equality, indeed, extended only to freeborn Roman burgesses, and between them and the freedman, the alien, or the slave, a sharp distinction was drawn. But this principle of the old law had been violated in a variety of ways during the century and a half which preceded the civil wars. On the one hand, within the citizen body proper, distinctions had grown up which, if recognized at all, were recognized only indirectly by the law, but which in practice had affected not only the constitution of society, but the distribution of political

Such marriages were forbidden, not only to senators, but to their children, grandchildren, and great-grandchildren, Dig. 23. 2. 44. Mommsen regards the prohibition as absolute, Staatsr. iii. 472. Rein, Privatrecht, 402, thinks that such marriages were valid, but did not entitle the parties to exemption from the penalties imposed upon celibates by the Julian law. That this law recognized them in the case of other citizens is implied by Dio 54. 16; 56. 7.

[2] Mommsen, Röm. Forsch. i. 78; [Staatsrecht, i. 555].

[3] Cic. pro Sest. 65. 137; Mommsen, Staatsr. iii. 873.

[4] Mommsen, Staatsr. iii. 458. Merivale's statement (Hist. iv. 90) that 'the main principles of the old Roman polity were founded upon the distinction of classes' is so far inaccurate.

privileges and rights. Neither the order of the nobles[1] nor that of the knights[2] had any legal existence, nor was it the law which confined the term 'plebs'[3] to the undistinguished residuum of the community. Yet this unauthorized division of Roman citizens into three 'orders' was in practice that which governed the social and political system of the Ciceronian age. On the other hand, at one point at least, the old exclusiveness had, like the old equality, shown a tendency to break down. The freedmen had become a power in Roman life and their influence was felt in all ranks of society.[4] The nobles found in them confidential agents and even friends, who conducted their political negotiations or private intrigues, managed their elections, controlled their households, and educated their children. To the great contractors, financiers, and merchants, the flower of the so-called 'equestrian order', they were no less useful as managers and clerks. Of the 'plebs' in Rome and in the larger towns of Italy they constituted, if not the largest, yet the most prominent and active element. This widespread influence did not indeed enable them to get rid of their legal disabilities,[5] but it gave them a position in Roman society which scandalized the old fashioned and seriously alarmed the more thoughtful citizens.[6] The twenty years of civil war, which were closed by the victory at Actium, had, without restoring the old civic equality,

[1] For the 'nobiles' see Mommsen, Staatsr. iii. 458 sqq.

[2] The term 'equites' belonged of right only to the members of what was still in theory and had once been in fact the cavalry of the state—the 'equitum centuriae'. It was only popular usage that applied the term to men who had merely the 'census equester'. The 'ordo equester' of Cicero's days was not, any more than the 'nobilitas', a legal institution, Mommsen, Staatsr. iii. 480, 483.

[3] Mommsen, iii. 460.

[4] Mommsen, Staatsr. iii. 420.

[5] Mommsen, Staatsr. iii. 420 sqq.

[6] Cicero, de Orat. 1. 9. 38, in approving the action of Ti. Gracchus (censor 169 B. C.) in confining the freedmen to the four city tribes declares that otherwise 'rempublicam quam nunc vix tenemus, iam diu nullam haberemus'.

disorganized the social order which had taken its place. The ranks of the nobles had been thinned by war and proscription. New men had risen to high places. Senators and knights danced on the stage, and the sons of freedmen watched them from the front rows.[1]

In undertaking the task of social reconstruction Augustus recurred, not to the equality which the republican constitution assumed to exist, but to the essentially unrepublican class-system of the Ciceronian period.[2] Towards what remained of the old republican nobility his policy was one of conciliation. With a polite magnanimity he ignored the dissensions of the last twenty years. His colleague as consul in 30 B.C., and his legate in Moesia the next year, was M. Licinius Crassus, partisan both of Sextus Pompeius and of Antony.[3] C. Carrinas, who triumphed in 28,[4] and Q. Lucretius Vespillo, consul in 19,[5] had both suffered from proscription. The family pride of the great houses was gratified by the respect which he was careful to show for the famous names of the republican period,[6] a respect which sat more gracefully upon a ruler who was, at least by adoption, one of themselves than it would have done upon a 'new man'.[7] Nor was he less anxious to persuade

[1] Suet. Iul. 39, Aug. 44. For the decimation of the nobility see App. Bell. Civ. 4. 5. The triumvirs put to death 300 senators. The knights had also suffered, Suet. Aug. 40. For the rise of new men see Suet. Aug. 66, Vell. Pat. 2. 76, Dio 48. 33. For Salvidienus Rufus, who became consul designatus 'ex infima fortuna', comp. Suet. Aug. 66, Friedländer, Sittengesch. i. 197 [pp. 182, 210, ed. 1881].

[2] Mommsen, Staatsr. iii. 466.

[3] Dio 51. 4.

[4] Dio 51. 21; [Prosopographia, i. n. 375].

[5] Dio 54. 10; [Pros. ii. 302].

[6] Suet. Aug. 31 'proximum a dis immortalibus honorem memoriae ducum praestitit qui imperium p. R. ex minimo maximum reddidissent, itaque et opera cuiusque manentibus titulis restituit (e. g. Basilica Aemilia, Dio 54. 24) et statuas... in utraque fori sui porticu dedicavit'. Comp. Ovid, F. 5. 564, Gell. 9. 11. For these statues and the 'elogia' see Mommsen, C. I. L. i, p. 281. Among the heroes represented were besides Aeneas and Romulus, Camillus, M. Valerius Corvus, L. Papirius Cursor, and Q. Fabius Maximus.

[7] Just as the antiquity and distinction of the House of Savoy rendered the

them that under the new régime they might still play the dignified part which their ancestors had taken in public life. Throughout the principate of Augustus the consuls, the governors of the provinces, the members of the priestly colleges, are still for the most part drawn from the ranks of the old republican nobility,[1] and during the earlier part of it at any rate they might hope to earn in the old fashion the honours of a triumph or of a public funeral.[2] The wealthier among them were invited to co-operate with the emperor himself in the work of repairing the havoc wrought by the civil wars,[3] or to associate their names with the renewed splendour of the city.[4] It is nevertheless clear that Augustus recognized in the vanity and ambition of great nobles a possible danger to himself and his rule,[5] and resolved that at least the nobility of the future should be of a character consistent with the new order of things. The general result of his changes may be summed up in a sentence by saying that, whereas under the later Republic the senators were with rare exceptions nobles, under the Augustan system the nobles were to be all

Italian revolution more palatable than it could otherwise have been to the Italian nobility. It was more difficult for the old noblesse of France to accept the Bonapartes.

[1] In the consular fasti from 27 B. C. to 14 A. D. comparatively few new names of families appear. The most prominent are those of the Vipsanii and the Statilii. Members of some of the Italian families which had taken a leading part against Rome in the Social War also reached the consulship —M. Herennius Picens, consul 1 A. D., M. Papius Mutilus, consul 9 A. D.

[2] Dio 54. 12; [Mommsen, Staatsr. (ed. 1887) i. 135; cp. Tac. Ann. iii. 74].

[3] e. g. in the repair of the roads, Dio 53. 22, Suet. Aug. 30.

[4] By the erection of public buildings, Suet. Aug. 29, Tac. Ann. 3. 72.

[5] Comp. his treatment of his former colleague M. Aemilius Lepidus, Dio 54. 15. Of the various conspiracies against him too little is known to enable us to determine whether they were the result of personal resentment or political ambition, but at least the actors in most of them were nobles, Suet. Aug. 19. The burning of the 'libri fatidici' and the transference of the Sibylline books to safe custody on the Palatine (Suet. Aug. 31) was no doubt partly intended to check the circulation of prophecies such as those which under Tiberius were the ruin of Libo Drusus, Tac. Ann. 2. 27.

senators.[1] An Aemilius or a Calpurnius in the time of Cicero became a senator almost as a matter of course. But it was not from his seat in the senate, nor even from his tenure of the magistracy which had given him that seat, that his nobility was derived. According to the scheme of Augustus it was a seat in the senate alone which conferred nobility.[2] This change was not effected at a blow by any single law or edict; there was no formal abolition of the old nobility, no formal creation of a new one, and we must suppose that Augustus respected in this matter the vested interests of the old families. But outside the rapidly narrowing circle of these families he gradually formed a new peerage, the basis of which was the senate and of which only senators were, strictly speaking, members. Admission to it, that is to a seat in the senate, was still to be gained by election to the quaestorship: but election to the quaestorship was no longer an open matter. The candidate was required to possess property to the amount of a million sesterces,[3] and to have any chance of success it was necessary that he should be, if not 'commended', yet at least nominated by the emperor.[4] And here the policy of Augustus interposed a fresh restriction, for it seems certain that the rule, written or unwritten, which confined the quaestorship to men entitled to wear the broad purple stripe ('latus clavus') on the toga dates from him, and that this right belonged under his regulations only to sons of senators and to those to whom he had himself given it.[5] Under the

[1] What follows is mainly based on Mommsen's masterly account of the 'Senatorenstand' of the Empire, Staatsr. iii. 466.

[2] Hence even in the Augustan age the senate, with the 'equites' and the 'populus' or 'plebs' constitute the community, Ovid, F. 2. 127, Mon. Anc. chap. xxxv, Mommsen, Staatsr. iii. 460, 461.

[3] Dio 54. 17, Suet. Aug. 41, Tac. Ann. 1. 75, Mommsen, Staatsr. i. 400 [p. 498 in ed. 3]. Dio places the establishment of the property qualification in the year 18.

[4] [Mommsen, Staatsr. ii (1887), pp. 917 foll.]

[5] Mommsen, Staatsr. iii. 466, 467. It seems clear that, in the case of

former class would no doubt be included the cadets of the old noble families whose patents of nobility were thus, as it were, confirmed and renewed by the emperor. To the second would belong the new men whom he desired to promote. For these new men, however, another and a shorter road to nobility was open—they might be directly admitted to the senate ('adlecti') by the emperor, a mode of admission which though sparingly exercised by Augustus was freely and effectively used in later times.[1] The 'nobility' of the republican noble once acquired had been hereditary, and such, but with an important difference, was the senatorial nobility of the new régime—not only the sons, but the grandsons and great-grandsons of a senator were by courtesy noble.[2] On arriving at manhood they assumed, by permission of the emperor, the senatorial stripe,[3] and were allowed to be present as spectators at the meetings of the senate.[4] When they joined the army the broad stripe again

candidates other than those who, as senators' sons, were already 'laticlavii' (Suet. Aug. 38), a grant of the 'latus clavus' by the emperor was *de facto*, though probably not as yet *de iure*, a necessary preliminary. Ovid implies that in his case the bestowal of the 'latus clavus' would naturally have been followed by a quaestorship and a seat in the senate, Ovid, Trist. 4. 10. 35. Comp. Plin. Epp. 2. 9 'ego Sexto latum clavum a Caesare nostro, ego quaesturam impetravi'. The 'vigintivirate' which was taken before the quaestorship did not confer a seat in the senate, Mommsen, Staatsr. ii. 556 [592], Dio 54. 26. Ovid filled two of the offices included under this name (Trist. 4. 10. 33 'cepimus et tenerae primos aetatis honores, Eque viris quondam pars tribus una fui'. Fast. 4. 383), those of the 'IIIviri capitales' and 'xviri stlitibus iudicandis'. But he did not proceed, 'clavi mensura coacta est.' Failing 'candidati senatores' for the tribunate Augustus fell back on 'equites Romani', who were allowed at the end of their year of office to return to their equestrian rank 'in utro vellent ordine manerent', Suet. Aug. 40, Dio 54. 30. The equites were those possessed of the senatorial census of 1,000,000 sesterces.

[1] Mommsen, Staatsr. ii. 877 [p. 944, ed. 1887, with a view differing slightly from that given above].

[2] Mommsen, Staatsr. iii. 468. A similar nobility 'by courtesy' was extended to their wives and daughters.

[3] Suet. Aug. 38.

[4] Ibid. From the fact that on the roll of the municipal senate of Canusium

distinguished them from their brother officers.[1] The prohibition against intermarriage with freedwomen[2] and the exemption from municipal burdens applied to them equally with actual senators.[3] But when the legal age[4] was reached it was expected that they should present themselves for admission to full senatorial honours.[5] Failing this even their 'title of courtesy' was lost, and they fell back into the ranks of the commonalty.[6] The senatorial dignity was thus hereditary. But for its transmission from father to son, scarcely less than for its acquisition in the first instance, the sanction of Caesar was necessary, while, as expulsion from the senate was even more absolutely in his hands[7] than admission to it, the dignity may be said to have been not only conferred by him but held at his good pleasure. The senatorial nobility, though surrounded with every mark of distinction[8] and enjoying a monopoly of the high offices of

in the third century A. D. the names of twenty-five 'praetextati' appear after those of the actual decuriones, Mommsen infers that possibly the names of these 'senatorum liberi' were placed on the 'album senatorium' in Rome, Staatsr. iii. 865, note 2, C. I. L. ix. 338.

[1] Suet. Aug. 38. The ordinary officers were 'angusticlavii', Suet. Otho, 10; C. I. L. v. 1874 'tribuno laticlavio leg. IIII Scythicae'.

[2] See above, p. 122.

[3] Mommsen, Staatsr. iii. 473 'Wie es scheint, nach einer Bestimmung Augusts'.

[4] The minimum age for the quaestorship was fixed by Augustus at twenty-five, Dio 52. 20, Tac. Ann. 15. 28 'senatoria aetas'.

[5] That this was expected is clear, Suet. Aug. 38, Dio 59. 9, Plin. Epp. 8. 14. But though Augustus on one occasion (B. C. 13, Dio 54. 26), and Claudius consistently, compelled persons thus qualified to enter the senate (Suet. Claud. 24), it is clear that as a rule it was open to a man to abstain, as Ovid did (p. 127 note), from this further step; cf. Tac. Ann. 16. 17. A man might also refuse the grant of the 'latus clavus', Suet. Vesp. 2.

[6] Or in most cases into those of the 'equites'. Hence the phrase 'ordinem exuere', Tac. Hist. 2. 86. So Ovid of himself after his decision not to enter the senate, Trist. 4. 10. 35 'clavi mensura coacta est'.

[7] Dio 53. 17 τοὺς δὲ καὶ ἀπαλείφουσιν ὅπως ἂν αὐτοῖς δόξῃ.

[8] e. g. separate seats at public spectacles, banquets at the public cost, free access to the Emperor's presence, &c., Mommsen, Staatsr. iii. 886 sqq. The title 'clarissimus' was not appropriated to them till later.

state, was placed in the closest dependence upon the emperor, a dependence which, as the old republican element in it died out, rapidly passed into an almost servile subjection. At the same time its outward splendour, its official dignity,[1] and its connexion with the great name of the senate, made it valuable to the emperors as a means of gratifying ambition or rewarding merit, without endangering their own supremacy.

With the 'knights' Augustus established an even closer personal tie, and the part which he allotted to them was in an even more special manner connected, not with the old republican machinery, but with the new imperial administrative system of which he laid the foundations and of which he was the head.[2]

The eighteen centuries of knights had, by the close of the Republic, long ceased to serve as the regular cavalry of the Roman army. But they remained as a select corps of 'cavaliers' in which the cadets of the noble families,[3] and even sons of wealthy commoners,[4] were enrolled by the censors. To them alone belonged, by right, the title of 'equites Romani'.[5] They voted together in the campus Martius, they had their reserved seats in the theatre—and as

[1] As the order for which were reserved, not only the old republican magistracies in Rome, but the governorships of all but a few provinces.

[2] Mommsen, Staatsrecht, iii. 476–569; Hirschfeld, Untersuchungen [re-edited as Die kaiserlichen Verwaltungsbeamten, Berlin, 1905].

[3] Mommsen, Staatsrecht, iii. 497. Comp. the term 'iuventus' used of this 'jeunesse dorée' of the later republic, Cic. Ad Att. 2. 24 'manum iuventutis duce Curione'. These are the 'equites' of Ad Att. 2. 19 'qui Curioni stantes plauserant', and the 'nostri equites' of Caelius Rufus (Ad Fam. 8. 4), who carried Dolabella's election as 'xv vir sacr. fac.' in 51 B. C.

[4] Among these would be many of those who, having been elected or created 'tribuni militum', seem at least after 81 B. C. to have been enrolled, as such, in the centuries of knights. Mommsen, Staatsrecht, iii. 486, 487, note 1.

[5] Plin. N. H. 33. 30 'equitum nomen subsistebat in turmis equorum publicorum'; the full title was 'equites Romani equo publico', Cic. Phil. 6. 5. 10.

late as the year 70 B.C.[1] they paraded together in full uniform on the Ides of Quinctilis.[2] But round this ancient and honourable corps a body of titular cavaliers had grown up—much as a titular nobility had developed round the senate and the curule magistracies. This 'equestrian order', whose members styled themselves 'equites'[3] and which claimed to stand next to the 'nobiles', just as the genuine 'equites' stood immediately below the senators,[4] had no legal existence. Any freeborn citizen possessed of the 400,000 sesterces which had once qualified a man for service in the cavalry,[5] and was still known as the 'census equester', was included within its ranks. But there was no form of admission, and in the eye of the law the order had no corporate existence, and no corporate rights or duties.

This titular order of self-styled knights shared the fate of the titular republican nobility. Just as Augustus had decided that there should be no nobles, but senators, so he once more confined the title 'eques' to the members of the 'equitum centuriae' and the wealthier bourgeoisie were invited to exchange their fictitious knighthood for actual membership in the famous corps of Roman knights.[6] The old limit to the numbers of the corps was removed, and the numbers were even in the reign of Augustus to be reckoned by thousands.[7]

[1] Plut. Pomp. 22.

[2] For the ancient ceremony of the 'travectio equitum' and its traditional association with the victory at Lake Regillus see Dionys. 6. 13, and, it may be added, Macaulay's Lays of Ancient Rome.

[3] e. g. Cic. Pro Fonteio, 12. 26. [4] Cic. De Domo, 28. 74.

[5] Livy 27. 11 'qui equo mereri deberent'.

[6] The evidence on which this change is ascribed to Augustus is briefly as follows:—1. The entire absence of all mention after his time of any 'equites' other than the 'equites Romani equo publico'. 2. The enormously increased numbers of these (see below). 3. The institution of the 'seviri equitum Romanorum' and of the 'turmae', which date from his reign, Dio 55. 10. 4. The importance which he attached to the revision of the list of the 'equites', Suet. Aug. 38.

[7] Dionys. 6. 13 describes five thousand 'equites' as taking part in the yearly procession τῶν ἐχόντων τὸν δημόσιον ἵππον in his own day.

Its internal organization was altered, but without destroying the military character which gave it historic interest. It was divided into six squadrons.[1] The military 'trabea' was worn by all its members on public occasions,[2] and once a year the knights still rode through the streets of Rome to the temple of Castor and Pollux in the Forum.[3] The narrow purple stripe on the tunic, the gold ring on the finger, and the special seats in the theatre, were distinctions which continued to mark the 'Roman knight'.[4]

By thus identifying the equestrian order with the actual 'equites',[5] Augustus obtained complete control over its composition. The powers once exercised by the censors, of admitting new members to the centuries of knights, of revising the roll of the corps, and of expelling the unworthy, passed like the similar censorial control over the senate into his hands. Henceforward, equestrian rank was even more literally than senatorial rank conferred by the emperor alone, and to him the numerous petitions asking for

[1] These 'turmae' and their leaders, the 'seviri eq. Rom.', date from Augustus, Suet. Aug. 38, Dio 55. 10. They are frequently mentioned on inscriptions, especially in Cisalpine Gaul, where the 'equites Romani' seem to have been particularly numerous (Strabo, p. 213, of Patavium); e. g. C. I. L. v. 6360 'sevir turmae v eq. Rom.', 7447 'sevir eq. Rom. turmae vi', 5810 'sevir turmis ducendis'; for the duties of the seviri see Mommsen, Staatsr. iii. 523.

[2] Dionys. 6. 13; Tac. Ann. 3. 1, &c.

[3] Suet. Aug. 38 'equitum turmas frequenter recognovit..., reducto more travectionis'. Plin. N. H. 15. 19; Tac. Ann. 2. 83.

[4] Ovid, Tristia, 4. 10. 35; Vell. 2. 88 (of Maecenas) 'vixit angusto clavo paene contentus' [text doubtful]; Plin. N. H. 33. 32.

[5] 'Ordo equester' was used of these actual 'equites', Mon. Anc. chapter xxxv, Orelli, 5381 (sctum in honour of the younger Drusus); comp. coins of Nero. Cohen, i, p. 286 'equester ordo principi iuventutis'. Senate and 'equites' are the two 'orders' *par excellence*, Vell. 2. 32, Suet. Vesp. 9; 'dignitas equestris' corresponded to 'dignitas senatoria', Orelli, 3049. Individual knights described themselves as 'eques Romanus equo publico' or 'eques Romanus', or by the words 'equo publico' placed immediately after the name, but the rank is often left to be understood from the context.

its bestowal were addressed.[1] By him or by his officers the roll of the order was revised,[2] the unfit expelled [3], or the meritorious occasionally promoted to the higher senatorial dignity,[4] and as at the head of the senatorial roll stood the name of the emperor himself,[5] so the primacy of the second order was frequently given to the younger male members of his house.

In its composition the equestrian order, as reconstituted by Augustus, differed little, if at all, from the equestrian order of the time of Cicero. The applicant for admission must be possessed of the equestrian census of 400,000 sesterces, and must prove that he himself, his father, and his grandfather, had been freeborn.[6] Those admitted, if we except the sons of senators who until they entered the senate ranked as 'equites',[7] came as before from the higher middle class, the wealthier burghers of the Italian, and, as time went on, of the provincial, towns.[8] On the other hand, while the

[1] Dio 53. 17 καταλέγουσι καὶ ἐς τὴν ἱππάδα καὶ ἐς τὸ βουλευτικόν. Suet. Tib. 41 'reipublicae curam usque adeo abiecit, ut postea non decurias equitum unquam supplerit' (these 'decuriae' were subdivisions of the 'turmae'). Comp. C. I. L. v. 27 'ornatus iudicio eius (Severus) equo publico'. For the 'libelli' and the office 'a libellis' see Mommsen, Staatsrecht, iii. 490.

[2] Suet. Aug. 38, 39 'frequenter recognovit . . . unumquemque equitum rationem vitae reddere coegit'; Calig. 16 'equites R. severe . . . recognovit', ibid. Claud. 16, Vesp. 9 'recenso senatu et equite'. Among the offices created by Augustus Suet. (Aug. 37) mentions 'triumviratum legendi senatus et alterum recognoscendi turmas equitum'.

[3] Suet. Aug. 39; Plin. N. H. 33. 152.

[4] Mommsen, Staatsrecht, iii. 508.

[5] Mon. Anc. chap. vii πρῶτον ἀξιώματος τόπον ἔσχον τῆς συνκλήτου='princeps senatus'. For the analogous 'princeps iuventutis' see Mommsen, Staatsr. ii. 1047 [ed. 3, 1141], iii. 523. The title was given by the acclamations of the 'equites' themselves (Mon. Anc. chap. xiv, of Gaius and Lucius Caesar), or by the emperor, Suet. Gaius, 15, Ovid, Ars Amat. i. 194, of Gaius Caesar, 'nunc iuvenum princeps deinde future senum.'

[6] Plin. N. H. 33. 32, Friedländer, Sittengesch. i. 249; the second requirement was often relaxed.

[7] Mommsen, Staatsr. iii. 470.

[8] No doubt it included also the local aristocracy of the remoter country

titular equestrian rank of the republican 'ordo equester' had been treated as hereditary, the status of 'eques Romanus' under the new system was a strictly personal one.[1] Though, unquestionably, the son of an 'eques' frequently became an 'eques' himself,[2] he had no such claim to the position, as that of the senator's son to a seat in the senate, nor was he marked out by any distinctive privileges or insignia as heir presumptive to his father's rank.

But the real importance of Augustus's reforms lay in the use to which he turned this second order of nobility. For though the policy which made the equestrian order the chief support and the most effective instrument of Caesar's government was not fully developed until the time of Hadrian, it was initiated by Augustus. Nor was its usefulness limited to the part it played in attaching the upper middle class of Italy to the new ruler. The Augustan polity was based on a distinction between the public departments, those, that is, belonging to the regular magistrates and pro-magistrates of the Roman people, and the vast department assigned to Caesar. In the former the senatorial nobility found its proper field. But for his own service, except where the post was one which by old custom or law must be filled by a man of senatorial rank[3] or one which was beneath the dignity of a freeborn citizen,[4] Augustus

districts, where senatorial families were comparatively rare. An inscription of the time of Tiberius records the name of the first senator from Ovid's country, Q. Varius Geminus, 'leg(atus) divi Aug. . . . primus omnium Paelign(orum) senator factus est', C. I. L. ix. 3305, [Dessau 932]. It is illustrative of the character of the equestrian order as a *noblesse de province* that the 'eques Romanus' did not, like the senator (Digest 50. 1. 22, 23), cease to be a 'municeps' of the community to which he belonged by birth.

[1] Mommsen, Staatsr. iii. 501.

[2] In this sense equestrian rank no doubt became *de facto* hereditary in many families, Mommsen, l. c.

[3] e. g. the 'legati propraetore' of Caesar's provinces, and the 'legati legionum'.

[4] Such as the domestic offices in Caesar's household, the 'ministeria principatus per libertos agi solita', Tac. Hist. 1. 58.

employed Roman knights. The governors of Egypt, of Raetia, and of Noricum, the prefect of the praetorian guard, of the 'vigiles' and of the corn-supply, the more important procurators, the commanders of the naval squadrons at Misenum and Ravenna, lastly the military tribunes in the legions, and the prefects of the auxiliary 'cohortes' and 'alae', were all taken from the equestrian order.[1] While the once coveted privilege of serving as 'iudices' in the Roman courts became an irksome,[2] and finally an unimportant duty,[3] these 'equestrian offices'[4] in Caesar's services opened a career[5] to the middle class which, as Caesar's department widened and the importance of the posts within it increased, became scarcely less attractive,[6] and quite as lucrative, as the more dignified career marked out for those who wore the broad stripe.

Below the two privileged orders of senators and knights stood the 'plebs', a term which had ceased to denote the non-patrician element in the community, and was applied

[1] Mommsen, Staatsr. iii. 552. Military service as tribune or prefect was as a rule necessary for promotion to the higher equestrian offices, ibid. 558. [Hirschfeld, Kais. Verwaltungsbeamten (1905), pp. 417 foll.; v. Domaszewski, Rangordnung des röm. Heeres (1908), pp. 122 foll.]

[2] Suet. Aug. 32 'plerisque iudicandi munus detractantibus', Plin. N. H. 33. 33. The 'iudicandi munus' was one of those from which the 'lex Iulia et Papia Poppaea' exempted the fathers of three children, Vat. Fragm. 197.

[3] Owing to the disuse of 'iudices' and the substitution of the direct 'cognitio extra ordinem', Mommsen, Staatsr. iii. 538; Bethmann-Hollweg, Civilprozess, ii. 758.

[4] Suet. Galba, 15 'senatoria et equestria officia'; Tac. Agric. 4 'utrumque avum procuratorem Caesarum habuit, quae equestris nobilitas est'.

[5] The first step in this career, service in the army as tribune or prefect, was apparently compulsory on all who received the 'equus publicus', Suet. Aug. 24; Mommsen, Staatsr. iii. 548. But at this point many stopped short; ibid. iii. 559, note 3.

[6] Plin. Epp. 3. 2 'se in equestri gradu tenuit quum facile posset ascendere altissimum'; cf. ibid. 7. 25, Tac. Ann. 16. 17. Those who stopped short after service in the army valued repose; to the more ambitious or avaricious the procuratorships were desirable prizes.

generally to the common people, the 'tenuiores' or 'humiliores' of the third and fourth centuries after Christ.[1] Of this 'plebs' the most prominent section was that represented by the populace of Rome. This 'plebs urbana' had long been accustomed to appropriate to itself the prerogatives and privileges of the Roman people. Its votes, as a rule, elected magistrates and passed laws; it alone shared in the distributions of public corn; for its benefit mainly games were exhibited, largesses given, and money lavished in bribery; from its ranks were recruited the clubs whose lawless turbulence the republican government had vainly endeavoured to restrain. It has become a commonplace to speak of the emperors as having completed the work of demoralizing the 'plebs urbana', which the corn law of Gaius Gracchus had begun. But of this charge Augustus at any rate must be acquitted, and indeed the inscriptions suggest the conclusion that the demoralization of this the lowest class of citizens was even under his successors by no means so widespread or complete as the language used by high-born writers or rhetorical satirists would lead us to believe.

It was, of course, neither desirable nor possible that the 'plebs' of Rome should continue to play in earnest the part of the sovereign 'Populus Romanus', and Augustus, though he restored to the 'comitia' their ancient rights, gradually deprived them of everything that made them attractive or interesting to the city voters whom they chiefly concerned. The excitement of contested elections was minimized by the restrictions which his powers of nomination and commendation placed on the voter's freedom of choice.[2] In 22 B.C. the political clubs were suppressed.[3] In 18 B.C., and

[1] Hor. Ep. 1. 1. 58 'sed quadringentis sex septem millia desunt, plebs eris'.

[2] Dio 53. 21 *οὐ μέντοι ἐπράττετό τι ὃ μὴ καὶ ἐκεῖνον ἤρεσκε.*

[3] Suet. Aug. 32. Dio 54. 2 places the suppression of some of the *συσσίτια* ('sodalitates') in this year 22.

immediately in consequence of the disturbances which during his absence had marked the consular elections,[1] he carried a law by which the penalties for bribery were increased.[2] Nor while thus excluding them from political life and activity would it have been possible for Augustus, without serious risk, to deprive them at the same time of the 'bread and games' which they had learnt to look upon as their right. But while continuing the demoralizing traditions of the republic in this respect, he kept steadily in view the main objects of his general policy. The tribunician power on which from 23 onwards he laid such stress gave him a definite relation with the 'plebs urbana' as their official leader and protector. They were also encouraged to look to him as their chief, if not their sole, benefactor. The restrictions placed on the exhibition of games and especially of gladiatorial combats by the ordinary magistrates[3] served to heighten the effect of the numerous and splendid spectacles provided by the munificence of Augustus himself.[4] The imperial largesses replaced on a more splendid scale those by which wealthy nobles had formerly won popularity.[5] After 22 B.C. it was Augustus by whom the cost of the

[1] In 22 B.C. and again in 19 B.C., Dio 54. 6, 10.

[2] The 'lex Iulia de ambitu', Suet. Aug. 34; ibid. 40 'multiplici poena coercito ambitu'. Dio 54. 16 (18 B.C.) mentions a provision that candidates convicted of bribery could not stand again for five years. The law also forbade any one, on pain of banishment to an island, 'turbam suffragiorum causa conducere, servos advocare.' Paul. Sent. 5. 30. In 8 B.C. candidates were required to deposit a sum of money, which they forfeited if convicted of corrupt practices, Dio 55. 5.

[3] In 22 B.C., Dio 54. 2. These games were entrusted to the praetors; part of the expense was to be borne by the treasury, and private outlay was restricted. Gladiatorial shows were to be given only in conformity with a 'senatus consultum', not more than twice a year, and the number of gladiators was limited to 120.

[4] For these see the list in Mon. Anc. chap. xxii; Suet. Aug. 43 'spectaculorum et assiduitate et varietate et magnificentia omnes antecessit'.

[5] Suet. Aug. 41, Mon. Anc. chap. xv; in money alone he distributed to the 'plebs Romana' considerably over 400 million sesterces between 29 B.C. and 2 B.C.

regular distributions of corn was defrayed,[1] the pressure of occasional famine relieved,[2] and due provision made for a regular and sufficient corn-supply.[3] But while thus accustoming the Roman plebs to look up to himself as the patron to whose bounty they owed both their daily pleasures and their daily sustenance, Augustus at least attempted to counteract the demoralizing effects of gratuitous bread and games by raising their self-respect, and opening new outlets for their energies. His anxiety to enforce the wearing of the toga[4] and to secure the observance of decency and order at the games has been already mentioned.[5] In the same spirit he endeavoured to check the growth of the servile and foreign element in the plebs by placing restrictions on the power of manumission and by excluding from the further privilege of citizenship enfranchised slaves of bad character.[6] But the freedman, who had lawfully won complete liberty and the Roman 'civitas', was encouraged to take his full part in the civic life of the plebs.[7] He shared in the distribu-

[1] I agree with Mommsen, Res G. Div. Aug. p. 25, that this was involved in the 'cura annonae' which Augustus accepted in 22 B.C., Mon. Anc. chap. v. It is also implied in the title 'praefecti' borne by the officials then appointed to superintend the distribution.

[2] In 23 B.C. he gave monthly distributions of corn at his own expense. Mon. Anc. chap. xv 'duodecim frumentationes frumento pr[i]vatim coempto'; cf. Vell. 2. 94. As Mommsen well remarks (l. c.), these distributions figure in the list of his gifts, since he had not yet taken over the 'cura annonae' as a regular charge on the 'fiscus'.

[3] [Hirschfeld, Kais. Verwaltungsbeamten, pp. 230 foll.]

[4] Suet. Aug. 40. [5] Ibid. 44.

[6] Suet. Aug. 40 'ab omni colluvione peregrini ac servilis sanguinis incorruptum servare populum . . . manumittendi modum terminavit . . . Servos non contentus multis difficultatibus a libertate et multo pluribus a libertate iusta removisse, cum et de numero et de condicione ac differentia eorum qui manumitterentur curiose cavisset, hoc quoque adiecit, ne vinctus unquam tortusve quis ullo libertatis genere civitatem adipisceretur'. The reference is to the Lex Aelia Sentia of 4 A.D. (Dio 55. 13; Gaius, 1. 13), and to the Lex Fufia Caninia of 8 A.D., Gaius 1. 42, 2. 228 'in libertatibus dandis nimiam licentiam compescuit'.

[7] Mommsen, Staatsr. iii. 440, thinks that Augustus deprived the freedmen

tions of corn, he could be elected a 'master' of the ward in which he lived, and could take service in the cohorts of the city police.[1] It was a more difficult task to provide the plebs of Rome with any substitute for the political interests and excitements of former days. The vigorous municipal life of the Italian towns so graphically reflected in the Pompeian *graffiti* was impossible at Rome. The 'plebs Romana' was already, it is true, only the plebs of the city of Rome,[2] and even the term 'populus Romanus' was in some danger of similarly being restricted in its application.[3] But neither the Roman senate nor the Roman magistrates were as yet Roman in this narrower sense, and the day was far distant when Rome could be regarded as only one, if the first, of the municipalities of the Empire. Yet it is difficult to avoid the conclusion that Augustus was anxious to give Rome something of a municipal government[4] and to associate this closely with the Roman plebs. His first step was to divide the area of the city into fourteen 'regiones', which now took the place of the four ancient districts said to have been established by Servius Tullius.[5] The general supervision of these new 'regiones' was entrusted to the praetors, aediles, and tribunes of the plebs, from among whom a curator for each

of the 'ius suffragii' in the tribes. This is possible, but the deprivation was, considering the unreality of the 'comitia', not a serious one.

[1] Mommsen, Staatsr. iii. 450.

[2] Mon. Anc. chap. xv 'plebei Romanae viritim HS trecenos numeravi'.

[3] Mon. Anc. chap. xxxv '[senatus et equ]ester ordo, populusq[ue] Romanus universus [appellavit me patrem p]atriae'. That 'populus Romanus' here = 'plebs urbana' follows from Suet. Aug. 58 'patris patriae cognomen universi detulerunt, prima plebs, legatione Antium missa . . . mox in curia senatus'.

[4] Caesar had apparently taken a step in this direction by the 'Lex Iulia municipalis' some clauses of which applied to Rome, Marquardt, 1. 66.

[5] Suet. Aug. 30 'spatium urbis in regiones vicosque divisit, instituitque, ut illas annui magistratus sortito tuerentur, hos magistri e plebe cuiusque viciniae lecti'. Dio 55. 8 οἱ δὲ δὴ στενωποὶ ἐπιμελητῶν τινων ἐκ τοῦ δήμου . . . ἔτυχον κτλ. For the 'xiv regiones' see Jordan, Topogr. d. Stadt Rom, ii, chap. i.

region was chosen by lot,[1] and who were then invested with a quasi-municipal character. Each region was again subdivided into 'vici' or wards, an ancient and natural mode of division which Augustus modified and adapted to his own purposes.[2] There is evidence that long before his time the residents in a Roman 'vicus' had been accustomed to unite for the maintenance of various local cults, to elect 'headmen' and pass resolutions.[3] Augustus now followed up his rearrangement of the 'vici' by a reorganization of their constitution.[4] Every year the inhabitants of the ward elected 'magistri' chosen from the plebs of the neighbourhood, i.e. from among their own number,[5] who, in compliment to the author of the scheme, entered upon office on the first of August.[6] To these low-born 'magistri' and their assistant 'ministri[7]' was committed the care of the ancient ward-worship of the Lares Compitales, and of the newly added genius Augusti. They were responsible for the maintenance of the ward-chapels, and for the exhibition of the 'ludi

[1] Suet. l. c. 'annui magistratus sortito', Dio l. c. καὶ ἐκείνων (ἀγορανόμων) καὶ τῶν δημάρχων τῶν τε στρατηγῶν πᾶσαν τὴν πόλιν, δεκατέσσαρα μέρη νεμηθεῖσαν κλήρῳ προσταχθέντων. C. I. L. vi. 450 'permissu Ti. Allieni Sicini Quintiani tr. pl. Idem probavit aediculam regionis VI ... restituerunt magistri'. Ibid. 451 'permissu praetoris'; 760 'permissu pr. urb. reg. XII'.

[2] The 'vicus' was a block of houses bounded by streets on all sides, Jordan, Topogr. ii. 80.

[3] C. I. L. vi. 2221 'mag. de duobus pageis et vicei Sulpicei', Marquardt, 3. 198 [205].

[4] Dio 55. 8 places the institution of 'magistri vicorum' under the year 7 B.C., and from this year several 'vici' dated their era. e. g. C. I. L. vi. 761, the 'magistri vici Sandaliari', in dedicating an altar in the year 12 A.D., style themselves 'anni xviii'; cf. ibid. 343 (26 A.D.) 'anni xxxii'. Other 'vici' seem to have been reconstituted a few years earlier; see the note on C. I. L. vi. 454.

[5] Suet. Aug. 30 'e plebe cuiusque viciniae lecti'. Freedmen as well as 'ingenui' were eligible; see C. I. L. vi. 33–5, 449–54, 975, &c.

[6] C. I. L. vi. 128 'Dianae August(ae) sacrum Q. Avillius Adaeus magister vici qui K(alendis) Augustis primus magisterium iniit'; ibid. 283, 445.

[7] These 'ministri' were usually slaves, and also entered upon office on Aug. 1, C. I. L. vi. 446.

compitalicii'.[1] But these religious or quasi-religious functions were not the only ones now assigned to them. The privilege which, according to Dio, they enjoyed of appearing on certain days in magisterial dress and accompanied by two lictors, must have been intended to mark their position as municipal officials.[2] The precise duties assigned to them are nowhere fully recorded, but that they included the general administration of their wards may be inferred from the fact that they were originally charged with the extinction of fires [3] and with the inspection of weights and measures.[4] That they were employed in connexion with the census of the city plebs in 2 B.C. is highly probable,[5] and there is some ground for thinking that the distribution of the water-supply was arranged 'vicatim' and may in each ward have been under the supervision of the 'magistri' vicorum.[6]

Unfortunately, this incipient municipal organization seems to have been found unequal to the task of local administration

[1] C. I. L. vi. 449–54 for dedications to the 'Lares Augusti', for the repair of the shrines ibid. 449, 450, 451. We find also dedications to the tutelary deities of Augustus, Apollo and Diana (33. 129), to 'Mercurius Augustus' (34), 'Spes Augusta' (760), 'Fortuna Augusta' (761).

[2] Dio 55. 8 *καί σφισι καὶ τῇ ἐσθῆτι τῇ ἀρχικῇ καὶ ῥαβδούχοις δύο . . . χρῆσθαι ἐδόθη*. These insignia were only allowed within their respective wards, and only on certain days, probably those of the 'ludi compitalicii'.

[3] Dio 55. 8; this duty was (? in 7 B.C.) transferred to them from the aediles, and the slave-firemen assigned to the aediles in 22 B.C. (Dio 54. 2) were placed under their control. The duty passed in 6 A.D. to the 'praefectus vigilum'. With it was connected the worship of the 'Stata Mater', the stayer of fire. Preller, R. Myth. 531; C. I. L. vi. 765 'Statae Matri sac(rum) . . . mag. vici'; 766 'Statae Matri Aug. sacr. mag. reg. vii vico Minervae'.

[4] C. I. L. vi. 282 'mag. vici anni xi (? 4 A.D.) . . . pondera auraria et argentaria viciniae posuerunt idem tuentur'.

[5] Suet. 40 'populi recensum vicatim egit'. Suet. implies that this 'recension' was connected with the 'frumentationes'. It was probably that referred to by Dio 55. 10 (2 B.C.) in describing the limitation placed on the number of those entitled to share in the corn distribution.

[6] Jordan, Topogr. ii. 294, on the dedication to Hadrian by the 'magistri vicorum' of five 'regiones', C. I. L. vi. 975; Frontin. De Aquaed. 97 'per vicos . . . binos praeficere quorum arbitratu aqua in publico saliret'; the passage refers to republican times.

in the huge city. Thirteen years after its first establishment the duty of extinguishing fires and of maintaining order at night was transferred to the imperial 'praefectus vigilum',[1] while the growing authority of the prefect of the city must have gradually reduced to insignificance the control of the praetors, aediles, and tribunes over the 'regiones'.[2] But the organization itself lasted on for at least a century; the position of 'magister vici' continued to be an object of plebeian ambition, and the ward-chapels, worships, and festivals formed useful centres of corporate life and interest.

It was indeed by the multiplication of such centres more than by his unsuccessful attempt to create a municipal administration based on the plebs that Augustus gave the latter what health and vigour it possessed. A marked feature in the history of the first two centuries after Christ is the rapid spread first of all in Rome, and afterwards throughout the empire, of the guilds, with which down to the middle of the third century after Christ all that was best in the life of the common people was bound up.[3] To this movement Augustus gave a powerful impulse, at least in Rome itself. He suppressed the disorderly associations formed for a variety of illicit purposes which had multiplied during the disturbed period of the civil wars, and had brought discredit on the name of 'collegia' which they wrongfully appropriated.[4] At the same time and probably

[1] Dio 55. 26.

[2] The 'curatores' of the 'regiones' mentioned in the dedication to Hadrian (p. 140, n. 6) were possibly imperial officials who had replaced the republican magistrates; the last reference to the latter in connexion with the 'regiones' belongs to the reign of Trajan, C. I. L. vi. 452.

[3] An adequate account of the 'guilds' under the Empire has yet to be written, but Liebenam has made a contribution to the study of their history in his recently published volume, Zur Geschichte und Organisation d. röm. Vereinswesens, Leipzig, 1890. [See also Waltzing, Les Corporations romaines, Louvain, 1895–1900.]

[4] Suet. Aug. 32 'factiones titulo collegi novi ad nullius non facinoris societatem coibant... collegia praeter antiqua et legitima dissolvit', Ioseph. Ant. 14. 10.

in 22 B.C. he carried a law[1] which in its effects must have resembled our own Acts for the legalization of Trades Unions or the registration of Friendly Societies. The ancient guilds and those already recognized by the state as lawful were left as they were. For the future the law provided that a guild could secure legal protection and recognition by obtaining a decree of the senate authorizing its existence, probably on condition of proving that it was intended to serve some useful and legitimate purpose.[2] Of the encouragement given by this law to the formation of guilds the increase in the number of 'collegia' is sufficient proof. But it seems clear that, over and above those which registered themselves as legitimate under its provisions, a large number of plebeian associations sprang up, which though outside the law must have been tolerated, if not encouraged, by the state as useful, or at least harmless.[3] Of these more will be said in a future chapter.[4] One instance, however, is so closely connected with Augustus himself, and illustrates so well the growth of a corporate life among the city plebs, as to deserve a brief mention here. In 22 B.C. Augustus relieved the state treasury of the cost of the monthly corn distributions. In 2 B.C. after a careful revision of the city plebs, ward by ward, he limited the number of recipients to a little over 200,000.[5]

[1] Dio 54. 2 (22 B.C.) τῶν τε συσσιτίων τὰ μὲν παντελῶς κατέλυσε τὰ δὲ πρὸς τὸ σωφρονέστερον συνέστειλε. The 'Lex Iulia' (? de collegiis) is mentioned in an inscription belonging to the reign of Augustus, C. I. L. vi. 2193 'collegio symphoniacorum qui sacris publicis praestu sunt quibus senatus c(oire) c(onvocari) c(ogi) permisit e lege Iulia ex auctoritate Aug(usti) ludorum causa'. For the probable purport of the law see Liebenam, Vereinswesen, pp. 29, 226 sqq.

[2] Comp. the inscr. just quoted, 'ex auctoritate Aug. ludorum causa,' and the usual formula 'quibus ex Sc^to coire licet'; for instances of the latter see Liebenam, 229, 230. That the operation of the Lex Iulia was originally limited to Rome is probable, but it was rapidly extended to Italy and to the provinces.

[3] Liebenam, p. 33.

[4] [Never written.]

[5] Dio 55. 10 τὸ τοῦ δήμου σιτοδοτουμένου πλῆθος ἀόριστον ὂν ἐς εἴκοσι μυριάδας

Of these a list was drawn up for a place on which residence in Rome and the possession of Roman citizenship were necessary qualifications.[1] In this way out of the paupers of the city was created a body of imperial pensioners or clients,[2] admission into whose ranks came in time to be regarded as a privilege rather than a disgrace.[3] To this body the titles of 'plebs urbana' and even of 'plebs Romana' were specially appropriated even in the lifetime of Augustus.[4] And under his successors it is given almost the place of a third order by the side of the senators and knights.[5] Nor did it long remain without an internal organization of its own. Its members were all as Roman citizens enrolled on the register of one or another of the old 35 tribes, and it is probable that the list of those entitled to receive the 'public corn' was arranged by tribes.[6] At any rate it was by their tribes that they grouped themselves for their own purposes. The whole body styled itself the city plebs of the 35 tribes[7] and was frequently spoken of simply as the 'tribes'.[8] Not only each tribe, but, at least in the case of the four city

κατέκλεισε. Mon. Anc. chap. xv 'plebei quae tum frumentum publicum accipieba[t]... ea millia hominum paullo plura quam ducenta fuerunt'.

[1] Members of the two privileged orders were ineligible. Mommsen, Staatsr. iii. 445.

[2] They style themselves 'clientes' on the inscriptions, e. g. C. I. L. vi. 1104, 10215, ix. 5823; cf. Plin. Paneg. 23.

[3] As the number of places on the list was fixed, admission was only possible as vacancies occurred, Plin. Paneg. 25 'in locum erasorum'; Trajan added 5,000 fresh places, ibid. Pan. 51, and received the thanks of the tribes for doing so, Orelli, 3065. The fact of a man's having been entered ('incisus') on the list is frequently mentioned on sepulchral and other monuments, C. I. L. vi. 220, 10220.

[4] Mon. Anc. chap. xv; C. I. L. vi. 899.

[5] Martial, 4. 2. 3; Plin. Paneg. 23.

[6] The fragmentary inscription, C. I. L. vi. 10211, almost certainly refers to the corn distributions. It gives the 'numerus tr[ibulium] et quibus locis [? frumentum accipiant]'. Then follow the names of the tribes in order and the number of tribesmen in each.

[7] C. I. L. vi. 909, 910 'pleps urbana xxxv tribuum' (temp. Tiberii).

[8] Statius, Silv. 3. 3. 100 'quantumque tribus poscant'; ibid. 4. 1. 25

tribes to which the great majority of those on the list belonged, the subdivisions of the tribe were organized as corporations.[1] Thus in the Suburan tribe we find not only the corporations of the seniors and juniors based on the well-known republican centurial classification,[2] but a corporation evidently formed in honour of Augustus, the 'corpus Iulianum',[3] just as in the Palatine and Esquiline tribes we find a 'corpus Augustale'.[4] These 'corpora', whether representing the tribe as a whole or some subdivision of a tribe, were practically, though probably not legally, guilds ('collegia'). They had their own officers,[5] their common fund

'turmaeque (equites) tribusque, purpureique patres'; Suet. Aug. 101; Martial, 8. 15; Plin. Pan. 25.

[1] The inscription quoted above, C. I. L. vi. 10211, gives for the Palatine 4191 'homines', for the Suburana 4068, but for the Romilia only 68, and for the Voltinia 85, a difference mainly owing to the inclusion of freedmen in the city tribes. It would seem that the tribal 'corpora' were in some way select, and did not include all the 'tribules' entitled to receive corn. The 'corpus iuniorum' of the Palatine tribe numbered only 968 members, C. I. L. vi. 1104, Mommsen, Staatsr. iii. 265, 447, and that of the Suburan (C. I. L. vi. 200) about the same. Possibly only 'ingenui' were admitted to these corporations.

[2] Not only was the old distinction of seniors and juniors preserved, but each of these 'corpora' was still subdivided into five centuries, i.e. in theory one for each of the Servian classes, Mommsen, Staatsr. iii. 276. Compare (ibid. p. 190) the following inscription found in 1885, 'trib(ui) Suc(usanae) cor(pori) sen(iorum) Q. Pomponeus Agathop(us) cur(ator) (centuriae) suae d(at)', and C. I. L. vi. 200 'Trib. Suc. iunior'. 'Corpora seniorum' and 'iuniorum' existed also in the Palatine, C. I. L. vi. 10215, 10218. In the few references to the country tribes (Pollia, C. I. L. vi. 10214; Ufentina, ibid. 10221; Claudia, ix. 5823) there is no mention of these select 'corpora' except possibly in the 'patres et liberi' of the Claudian tribe, an omission due partly to their smaller numbers, partly to the fact that all their members were 'ingenui' (cf. C. I. L. vi. 10220 'reliqui tribum ingenuam').

[3] C. I. L. vi. 198 'trib. Suc. corp. Iuliani'; it contained, as the inscription shows, six centuries (three of seniors, three of juniors). The three 'corpora' together are styled 'corpus foederatorum', ibid. 196.

[4] C. I. L. vi. 10216, 10217.

[5] 'Curatores', also a reminiscence of earlier times—C. I. L. vi. 199 'curatores trib. Suc. iunior'; ibid. 200, 10214 'curator xvi' (of the Pollian tribe). A 'scriba' and a 'viator' are mentioned ibid. 10215.

and their common banquets.[1] They held meetings in which they passed resolutions rewarding the services of meritorious members[2] or ordering the erection of monuments, sometimes of a rather costly kind, in honour of their imperial patrons.[3] No institution, in short, better illustrates the manner in which the energies and ambitions of the common people were diverted into new non-political channels, and closely associated with the rule of the Caesars, than these select corporations of imperial pensioners in Rome, which at once claimed to represent the ancient tribes of the Roman people and styled themselves the clients of the emperor whose bounty they shared. Nor after what has been said is it necessary to dwell upon the difference between these guilds with their strong corporate feeling, their cherished privileges, and comparatively substantial resources, and the pauper population of modern cities.

In the delicate and difficult task of providing Rome with an efficient administration Augustus proceeded with his characteristic caution and dexterity. The old system which vested the 'care of the city' of Rome in the regular magistrates of the Roman state was notoriously inefficient. To the nobles who filled the offices of aediles, tribunes, praetors, and consuls, the prosaic duties of municipal administration were of little moment as compared with the gratification of political ambition, and even had this been otherwise the absence of any well-defined division of labour, of any efficient staff of subordinates, or even of regular funds, must have been fatal to successful administration. But if the evil was notorious, the remedy was not easy to find. To give

[1] C. I. L. vi. 10215.

[2] C. I. L. vi. 198 'Trib. Suc. corp. Iuliani, C. Iulius Hermes Mensor bis hon(ore) in curat(ione) functus... cui populus eius corporis immunitatem sex centuriarum decrevit'. A grant of the freedom of the corporation is referred to elsewhere, C. I. L. vi. 10214, where also the erection of an altar 'permissu tribulium' is recorded.

[3] C. I. L. vi. 196–200. The altar to 'Pax Augusta' (199) was erected by the 'curatores' of the trib. Suc. iunior at their own expense.

Rome a municipal constitution, such as that of Pompeii, was impossible. It could only have been effected either by stripping these ancient magistracies of their political and imperial character and reducing them to the level of municipal offices, or by placing beside them a municipal executive and council elected by the plebs of Rome. The first method was too revolutionary to be attempted without serious risk. The second would probably have complicated the machinery of government without increasing its efficiency. The compromise which was possibly indicated by Julius and attempted by Augustus, that of emphasizing and defining the municipal duties of the regular magistrates, and of placing directly under them a body of purely municipal officers elected by the plebs, was discarded as unsatisfactory after a brief trial. No solution of the problem remained but that of transferring the care of the great city to the 'princeps' himself.

This transference was effected during the lifetime of Augustus, and in a manner peculiarly characteristic of his political strategy. Although a good deal of work had been accomplished either by himself or at his instance[1] during his provisional government as triumvir and in virtue of the censorial power given to him in 28 B.C., and though even after the restoration of regular government in 27 he retained as consul a general right of supervision and was officially responsible for the maintenance of order, it was not until after his resignation of the consulship in 23 that the first formal steps were taken to place Rome under the personal government of Caesar. Even then the change was effected gradually and with due regard to republican susceptibilities. In 22 Augustus, at the request of the people, undertook the care of the corn-supply ('cura annonae'),[2] in which was involved not

[1] The aedileship of Agrippa falls within this period (33 B.C.).

[2] Mon. Anc. chap. v, Dio 54. 1, Mommsen, Res G. D. Aug., p. 25, Hirschfeld, Philologus, vol. 29, p. 39, and Untersuchungen, p. 128 [ed. 2 (Kais. Verwaltungsbeamten, 1905), pp. 230–46].

only the maintenance and regulation of the monthly corn-doles, but the far more difficult duty of ensuring that a regular and sufficient supply of corn was available at a reasonable price for the wants of the whole population of the city—a duty which had constantly overtaxed the limited powers of the ordinary executive. But the officials to whom, as his subordinates, this double task was at first entrusted were invested with some at least of the attributes of republican magistrates. The new 'commissioners for the corn-supply', though bearing also the significant title of 'prefects'[1] for the distribution of corn, were senators of at least praetorian rank, were, nominally at least, elected by the people, held office only for a year, and were granted the ordinary magisterial staff of attendants[2]. Not until towards the close of Augustus's reign was the whole management of the corn-supply concentrated in the hands of an official of the new imperial type, a 'praefectus annonae' appointed directly by the emperor and holding office at his good pleasure.[3] He was always selected, not from among the senators, but, like the great majority of Caesar's direct subordinates, from the ranks of the 'equites Romani', and his office ranked with the prefectures of Egypt and of the praetorian guard among the great prizes open to the second of the two privileged orders.[4] With the substitution in the reign of Claudius of an imperial procurator for the quaestor who had till then supervised the landing of the corn at Ostia, this all-important department was finally

[1] In 22 B.C. two senators of praetorian rank were appointed (Dio l. c.), in 18 B.C. the number was raised to four, in 6 A.D. two consular 'curators' were substituted (Dio 54. 17 and 55. 31). The Sctum of 11 B.C. describes them as 'praefecti frumento dando' (Front. De Aq. 100); Frontinus himself calls them 'curatores frumenti' (ibid. 101); cf. Suet. Aug. 37 'curam frumenti populo dividundi'. Hirschfeld infers that these officials had nothing to do with the corn-supply generally, but see Mommsen, l. c.

[2] Front. De Aq. 100.

[3] The office was in existence at the time of Tiberius's accession, Tac. Ann. 1. 7, and must therefore have been established between 6 A.D. and 14 A.D.

[4] Hirschf. Untersuch. 135 [ed. 2, p. 240]. [5] Hirschf. ibid. 139 [247].

and completely transferred to Caesar, who as master of Egypt already held the keys of that great granary of Rome.

Scarcely inferior in importance to the corn-supply was the supply of water. The reorganization of this, on a scale adequate to the growing needs of the city, had been one of the splendid services by which Marcus Agrippa had earned the gratitude of the citizens for himself and for the chief whom he loyally served. In the aedileship, which contrary to all precedent he held after his first consulship,[1] he had repaired the four existing aqueducts and had constructed a fresh one, while 700 open basins and 500 fountains placed the cool water of the hills within easy reach of the residents in every quarter of the city.[2] Of this magnificent system he himself took charge so long as he lived,[3] but on his death in 12 B.C. it became necessary to make some permanent arrangement for its efficient maintenance—a task which was plainly beyond the power of the ordinary aediles of the year. The arrangement arrived at was thoroughly characteristic of the policy of Augustus and of the compromise between Caesar and the republic on which the principate rested. The 'charge of the public waters' was by decree of the senate entrusted to a commissioner of consular rank, assisted by two sub-commissioners, also senators.[4] The powers of the commissioners were in like manner determined by 'senatus consulta' and confirmed by a law which imposed penalties on offenders.[5] The staff of slaves organized by Agrippa at

[1] Frontinus, 9.

[2] Plin. N. H. 36. 121, Frontinus, 9, 10. The new aqueduct was the Aqua Iulia. In 19 B.C. he added another, the Aqua Virgo. Suet. Aug. 42 'satis provisum a genero suo Agrippa perductis pluribus aquis, ne homines sitirent'.

[3] Front. 98 'operum suorum velut perpetuus curator'.

[4] Frontinus, 99; ibid. 100 '(Sctum) de iis qui curatores aquarum publicarum ex consensu senatus a Caesare Augusto nominati essent'.

[5] For the Scta (11 B.C.) see Frontinus, 100, 104, 106, 108, 125, 127 [and Bruns, Fontes, p. 185]. The law ('lex promulgata', Front. 99) is quoted in 129; it was carried in 9 B.C. [Bruns, Fontes, p. 115].

his own expense was now transferred by his heir Augustus to the service of the new commissioners, and maintained at the cost of the public treasury.[1] But in effect it was to Caesar that the real authority was transferred. The 'curator aquarum' was nominated by him, and held office at his pleasure.[2] The necessary repairs were executed in his name and at his cost,[3] and he alone could grant to private persons the privilege of drawing water from the aqueducts.[4] The more distinctively imperial character given to the system by Claudius merely completed what Augustus had begun.[5]

In yet another department of municipal administration government by imperial commissioners was substituted for the ill-defined and inefficient authority of the republican magistrates. The varied and important duties connected with the maintenance and repair of the public buildings, the supervision of the open spaces and other land in the city belonging to the state, and the care of the banks and bed of the Tiber, had been under the republic divided between the censors and aediles—Agrippa, as aedile in 33 B.C., and Augustus, in virtue of the censorial authority held by him in 28 B.C., had displayed an activity and a munificence in these departments which possibly for a time rendered the

[1] Front. 98 'Habuit (Agrippa) et familiam propriam aquarum quae tueretur ductus atque castella et lacus. Hanc Augustus hereditate ab eo sibi relictam publicavit'. In sect. 116 it is called 'familia publica'; comp. 118 'commoda publicae familiae ex aerario dantur'.

[2] Front. 100. The first curator was Messalla Corvinus, who held office from 11 B.C. to 13 A.D.

[3] Senatus (11 B.C.) ap. Front. 125 'rivi fornices quos Augustus Caesar se refecturum impensa sua pollicitus senatui est'; C. I. L. vi. 1243, 1244 'quod rivos omnium aquarum refecit' (5 B.C.). In the time of Frontinus, and probably from the first, the cost of maintenance was borne by the 'fiscus', Front. 118.

[4] Front. 105.

[5] Claudius added a 'procurator aquarum' (an imperial freedman) and a staff of imperial slaves, 'familia Caesaris,' Front. 105, 116. The whole subject is fully discussed by Lanciani, 'Commentari di Frontino' (Atti dei Lincei, iv. 215–616, Roma, 1880); comp. Hirschfeld, Untersuchungen, p. 161 [ed. 2, p. 273, Mommsen, Staatsrecht, ii. 1044 f., and Dressel's pref. to C. I. L. xv, p. 906].

creation of any new authority unnecessary. At any rate it was not until after 11 B.C. and probably towards the close of Augustus's reign that the precedent set in the case of the corn-supply and the aqueducts was followed. The 'commissionership of public works' is mentioned by Suetonius among the new offices created by Augustus, and the earliest mention of such commissioners dates at the latest from the first years of the reign of Tiberius. These 'commissioners for the care of the sacred buildings and of public works and places' were two in number, were senators of at least praetorian standing, and were no doubt nominated by the emperor to hold office during his good pleasure. The institution of commissionership of the 'banks and bed of the Tiber' is placed by Dio in the year 15 A.D. and belongs, therefore, to Tiberius, not, as Suetonius states, to Augustus. The commissioners were five in number, but in every other respect resembled the commissioners of public works.

In no direction had the republican government more conspicuously failed than in the provision which it made for the maintenance of public order in Rome. It is true that the consuls were generally responsible for the security and tranquillity of the city, a responsibility which as regarded the forum and other places of public resort was shared with the aediles. But in neither case was the magisterial authority supported by any adequate police force, and Cicero's letters and speeches describe a reign of anarchy and violence almost without a parallel in the history of any great capital. The suppression of the political clubs and the diminished interest felt in the elections had no doubt a quieting effect, to which the increased stringency of Augustus's laws against public and private violence may have contributed in a less degree. A stronger security for order was supplied by the presence and authority of the emperor himself. But Augustus was often away, and he complained that he could neither leave Rome without a master nor remain there to keep order himself. It was probably in the year 17 B.C., as a fitting

sequel to the domestic legislation of that and the previous year, and in view of his intended visit to Gaul, that he took the important step of assigning to an officer of his own the care of the city.[1] The new office indeed bore a venerable title, but the imperial prefecture of the city had little beyond the name in common with its republican prototype.[2] Of the constitution and powers of the office as created or revived by Augustus we know little beyond what is contained in the statement of Tacitus that Augustus appointed 'a man of consular rank to keep in order the slaves and the turbulent portion of the citizens'. We are further told that the first prefect, Messalla Corvinus, held his office only for a few days, that the second was Statilius Taurus, and the third, appointed in 13 A.D., was L. Calpurnius Piso. It may also be inferred from the language of Tacitus that the authority of the prefect was at first only exercised in the absence of the emperor, and that it was the prolonged absence of Tiberius from 26–37 A.D. which placed it on a permanent footing. But although during Augustus's lifetime the city prefecture gave little promise of its future greatness, the principle involved in its establishment was one which struck directly at the old régime. The 'care of the city' was transferred from the consuls to an officer who was not a magistrate at all nor the representative of the consuls, and Caesar's authority was thus planted in the very heart of the territory peculiarly belonging to the republic.[3]

[1] [Tac. Ann. 6. 11; Suet. Aug. 37; Mommsen, Staatsrecht, ii (1887), 1059 foll. and the list in Borghesi, Œuvres, ix. 256 foll. Messalla was prefect in 26 B.C. while Augustus was in Spain, Statilius Taurus in and after 16 while Augustus was in Gaul; for Piso see Staatsr. ii. 1060, note 3, Klebs, Rhein. Museum, xlii. 164.]

[2] [Staatsr. i (1887), 663, 668.]

[3] [For the 'praefectus vigilum', his cohorts of fire-men and his jurisdiction over burglars and the like, see Pelham, Outlines, p. 410 and, more fully, Hirschfeld, Verwaltungsbeamten, 252 foll. and Mommsen, Staatsrecht, ii. 1054; for a brief English account of the barracks, Lanciani, Ancient Rome, p. 224.]

VI

TWO NOTES ON THE REIGN OF CLAUDIUS

(1) CLAUDIUS AND THE CHIEFS OF THE AEDUI[1]

In connexion with his account of Claudius's censorship Tacitus[2] tells us that when the revision of the senate was in progress the chiefs of Gallia Comata, that is to say of the provinces known as the 'Three Gauls', who had been for a long time Roman citizens, asked for the right of obtaining honours in the city 'ius adipiscendorum in urbe honorum'; or, as Tacitus expresses it in a later passage, for the right of senators, 'senatorum ius'. The question at once arises how it was that these chiefs being already Roman citizens were disqualified from standing for office in Rome; and secondly, what was the nature of the relief which Claudius gave them.

The ordinary explanation is that given by Mr. Furneaux[3] in his note on the passage. It is supposed that when the Roman franchise was conferred by Julius or Augustus upon the fathers or grandfathers of these Gallic chieftains it was granted in a restricted and imperfect form and that the 'ius honorum' was withheld. In support of this supposition the analogy is quoted of the imperfect franchise, 'civitas sine suffragio,' anciently granted by Rome to some of the Italian communities. It is further assumed that what Claudius did was to make this imperfect franchise complete. There are, however, serious objections to this view of the matter. The granting of the 'civitas sine suffragio' has not been infrequent at one period in the history of Rome, but there

[1] [Classical Review, ix, 1895, pp. 441–3.] [2] Ann. 11. 23.

[3] Furneaux, Ann. Tac. vol. ii, p. 186 [ed. 1891. Mr. Pelham has himself revised Furneaux's notes for the 1907 ed.]. Schiller, Gesch. d. Kaiserzeit, i. 329.

is no instance of its bestowal later than 184 B.C.,[1] and the great majority of the instances known to us belong to a much earlier period. It is scarcely likely that so antiquated a precedent should have suggested a policy to Julius or Augustus. There is again no evidence that the 'ius honorum' was treated as a distinct privilege separable from the other rights included in the franchise. It is obviously unlikely that the separation should have been made in this one case alone and that a peculiar disability should have been imposed upon the chiefs of Gaul, especially in view of the pains taken by both Julius and Augustus to conciliate these powerful chieftains, and of the fact that Julius in particular went to the length of admitting some of them to the senate.

The truth is that inability to stand for public office in Rome was not a disqualification peculiar to the Gaulish chiefs or even to provincials generally, but one which extended equally to natives of Italy whose ancestors had for generations been Roman citizens. It seems to be certain that in the time of Claudius even a Roman knight was not accepted as a candidate for a magistracy unless he were possessed of the broad stripe which marked senatorial rank. It must also be remembered that this case of the Gaulish chieftains arose directly in connexion with the revision of the senatorial roll, and that Tacitus, in the later of the two passages referred to above, implies that it was the dignity of senator or, more accurately, the rights of senators, for which the chiefs asked and which they obtained. If we turn to the fragments that remain of Claudius's speech, it becomes clear that what he is dealing with is not so much a constitutional disability or any inherent defect in the status of the Gauls as Roman citizens, but a deep-seated Roman prejudice against admission of these barbarians to the senate. The inference seems to be that the real obstacle in the path of these noble

[1] [Mommsen, Staatsrecht, iii. 575, fixes 290 B.C. for the last bestowal and 188 B.C. for the last recorded conversion of 'civitas sine suffragio' into full franchise.]

Gauls was the fact that, though Roman citizens and very probably in some cases Roman knights, they had not the broad senatorial stripe, and that therefore the doors of the senate-house were closed to them. There were two recognized methods by which such an obstacle could be removed. In the first place, the emperor might have granted to them the broad stripe alone. The effect of such a concession would have been that the Gaulish nobles, 'insignes viri,' whom Claudius saw before him as he spoke, would have been at once enabled to offer themselves for the quaestorship, and would thus have found the way open both to a seat in the senate and to the higher magistracies. Their course would have been that concisely described by Pliny, Epp. 2. 9, when speaking of what he had done for a countryman of his own. 'I obtained for him,' he says, 'from Caesar the broad stripe and I afterwards obtained for him the quaestorship.' Many other instances might be quoted from the inscriptions. This, however, does not seem to have been the method employed by Claudius on this occasion. He was acting as censor, and he alludes in his speech 'to this part of my censorship', but the grant of the broad stripe was not a censorial act. It seems to have been connected with the emperor's right of nomination, or, in other words, with his right of testing and approving the qualifications of candidates, in doing which he was free to supply the qualifications which were lacking, whether it were the broad stripe or the required amount of property. Moreover, the general tenor of Claudius's speech seems to imply that it is not the grant of the broad stripe, but the alternative method, that of direct admission into the senate, 'adlectio,' which he has in view.

In other words, the conclusion to which Claudius's speech points is that, in revising the senate as censor, he had proposed directly to admit these Gaulish chieftains to the senate, and probably to admit them into the ranks of the 'Quaestorii', the lowest category of senators, a precedent followed in many cases by Vespasian. The Gauls who were

thus 'adlecti inter quaestorios' would become senators and eligible for the higher magistracies. Moreover, their sons would rank as 'laticlavii' along with other senators' sons, and would be qualified in their turn to stand for the quaestorship, and to obtain through the quaestorship a seat in the senate. This direct admission to the senate was an act well within the rights of Claudius as censor. Why then did he feel it necessary to consult the senate on the point? In all probability because the admission of Gaulish chiefs from the Three Gauls was a new departure for which it was at least politic to obtain the sanction of the senate. Never before, it would seem, had provincials found their way into the senate except from such old established and thoroughly Romanized provinces as Narbonese Gaul and Spain. Indeed Claudius himself, when justifying this part of his censorship, confesses that he is stepping with some timidity outside the limits hitherto observed. He had, in fact, to encounter a strong prejudice. Nothing that Julius did excited more odium at Rome than his admission to the senate of 'semibarbari Galli', and the prejudice reappears in Seneca's Satire on Claudius. Nor was the prejudice altogether unreasonable. The Gaulish chiefs of Gallia Comata were not only disliked on sentimental grounds as belonging to the race which had once sacked Rome, but their actual position was somewhat different from that of the wealthy citizens of a Greek or Asiatic community. They were wealthy, they were ambitious, but the distinctive feature of their position was that, though the communities to which they belonged were outwardly organized on the Roman model, these men were still great chiefs enjoying great prestige among their countrymen and with large followings of obedient vassals and clansmen. Very much of the old tribal feeling still survived among the clans of the Three Gauls, and their leading men retained much of the peculiar influence and authority associated with the tribal chieftainship. This tribal feeling, supported as it was by a strong national sentiment, was throughout the

first century A.D. a possible element of danger to the Roman authority. In the reign of Tiberius, at the time of the rebellion of Sacrovir, Julius Florus appeared in the field with a vast train of clients and dependants much in the style of a Highland chief of the eighteenth century. More recently, according to Tacitus, Valerius Asiaticus, though a native of Narbonese Gaul and of the colony of Vienne, had been suspected of treasonable designs which were rendered more dangerous from his extensive connexions among his countrymen, 'gentiles.' A similar feeling of clanship is mentioned by Dio Cassius as a source of strength to the Aquitanian chief, Gaius Julius Vindex, when he rose against Nero.

The speech in which Claudius combated this prejudice and advocated the continuance of the liberal policy which had made Rome great was, as a matter of course, convincing. A decree of the senate was passed, no fragments of which have survived, but which probably merely expressed approval of Claudius's intended action. The result was the admission to the senate of the chiefs of one single tribe, the Aedui. There is no evidence that the chiefs of any other tribes were admitted at this time, or that any general concession, such as Mr. Furneaux speaks of, was now made to the Gauls. The selection of the Aeduan chiefs as the first recipients of this special favour was quite natural. It was due, as Tacitus tells us, to the old and intimate connexion between the Aedui and Rome, a connexion which would render the new departure more acceptable in their case than in that of any other tribe; but the precedent thus set by Claudius was an important one, and the example of Claudius was followed on a more liberal scale by Vespasian, and by the emperors of the second century. If, however, the view which I have stated above is correct, the credit of initiating the policy of freely admitting provincials to the senate, and of thus investing the senate with a genuinely imperial character, must be given to Claudius. I will close with one more

suggestion. It is at least conceivable that this admission of Gaulish chiefs to the senate may not have been unconnected with the measures which Claudius is said to have taken against Druidism. Claudius may have hoped by this concession to render those measures more acceptable, and to strengthen Roman sympathies among the leading men of central and northern Gaul.

(2) CLAUDIUS AND THE QUAESTURA GALLICA[1]

We are told by Suetonius that Claudius not only transferred the supervision of the harbour at Ostia and of the corn-ships from one of the quaestors of the year to a procurator of his own, but also abolished the 'quaestura Gallica' (Suet. Claud. 24). What this Gallic quaestorship precisely was is matter for conjecture, but the following view is at least possible. The duties of a quaestor were always more or less financial. As long as Cisalpine Gaul continued to be a separate province under the government of a proconsul, there must have been a quaestor stationed there, who may very well have been known as the 'quaestor Gallicus'. When Cisalpine Gaul was incorporated with Italy by Augustus, it shared of course in the immunity from direct taxation which all Italy enjoyed, and thus one important part of the Gallic quaestor's duties must have come to an end. It is, however, conceivable that Augustus may have thought it expedient still to keep a quaestor in Cisalpine Gaul to look after the extensive state domains in that district ('saltus publici'), just as in the reign of Tiberius (Tac. Ann. 4. 27) a quaestor seems to have been stationed in South Italy to look after the great public grazing lands of Apulia and Calabria. Claudius, when he abolished

[1] [Classical Review, x, 1896, pp. 6–7. For the Italian quaestors generally see Mommsen, Staatsr. i (1887), 570–3 : his views differ from those in the text in several points. On 'saltus' see below, pp. 305 f.]

this Gallic quaestorship, must have made some provision for the supervision of the state domains, and it is natural to assume that in Cisalpine Gaul, as at Ostia, the quaestor was replaced by imperial procuratores. That such a change was made may perhaps be inferred from the language of Claudius's edict about the Anauni (Wilmanns, Inscr. Lat. 2842). In that edict Claudius refers to the extensive domains ('saltus') in North Italy 'which', as he says, 'I learn belong to me' ('mei iuris esse'), and which it is clear from the language of the edict were under the management of imperial procuratores. It may also be worth while to notice that after this period no further traces are found of a quaestor in South Italy, but, on the other hand, the traces of the presence of imperial procuratores become increasingly numerous. In the reign of Marcus Aurelius the great public grazing lands of Samnium and Apulia were under the supreme control of the 'procurator a rationibus' (Wilm. Inscr. Lat. 2841), and from a passage in Statius (Silv. 3. 3. 93) we gather that the same was the case as early as the reign of Nero.

VII

HADRIAN, A NOTE[1]

THOSE who are familiar with the late Ferdinand Gregorovius's essay on Hadrian will not think any apology necessary for this translation into English of an eminently readable, and, on the whole, adequate account of one of the most interesting personages in ancient history. Gregorovius, though not an historian of the first order, was an accomplished man of letters, and a genuine lover of Rome and of things Roman. Moreover, his book still possesses the claim to attention urged by the author himself in his preface to the edition of 1883. Hadrian has not yet 'found another biographer either in Germany or abroad', and even to the educated public he is a far less familiar figure than many men of infinitely less importance in history.

Gregorovius would have been the last to claim for his essay that it said the final word on Hadrian, and it must be confessed that his work is not all equally good. He is at his best in the chapters which describe the general culture, the literary, philosophic, and artistic movements of the day. He is weakest when dealing with the political history and with the many technicalities of Roman administration. Here his grasp of the situation is less sure, and his use of technical terms not always correct.

But I am writing a brief introduction, not a review, and I will content myself with one more criticism, which indeed applies to other accounts of Hadrian besides that which is now in question. Gregorovius reproduces with

[1] [Introduction to Gregorovius's The Emperor Hadrian, translated by Mary E. Robinson (Macmillan, London, 1898), pp. xv–xviii.]

much skill and fidelity the most familiar aspects of the emperor, as the restless traveller, the indefatigable connoisseur and collector, the patron of learning and the arts. We are allowed to see, too, that he was an administrator of ubiquitous activity, with whose name a number of changes in the machinery and methods of government are associated. What we miss is some account of the master-idea which shaped Hadrian's policy, and gave unity to a career and a character full of apparent inconsistencies.

The omission is due partly to the nature of our evidence. Until comparatively recent times students of Hadrian were forced to rely mainly on the rather meagre literary tradition preserved in the biography of Spartianus, in the excerpts from Dion Cassius, and in Aurelius Victor. It is only within the last twenty or thirty years that the 'ceaseless researches of science' have not merely produced new evidence, but in doing so have rendered intelligible much that was before difficult to understand. One result has been to place in our hands the clue to Hadrian's policy as ruler of the empire, and to enable us to gauge more correctly the direction of his aims and the importance of his achievements.

Hadrian has unquestionably suffered in general reputation by the fate which placed him between two such commanding figures as Trajan and Marcus Aurelius. By the side of the former Hadrian appeared timid and commonplace. As Trajan became the ideal Roman soldier Hadrian was represented as the peace-loving scholar who, in tastes and pursuits, was more Greek than Roman. Yet Hadrian was every inch a soldier, deeply versed in both the theory and the practice of the art of war; and if he was a lover of Greeks and Greek civilization, he was also an admirer of old Roman writers and fashions. On the other hand, Marcus Aurelius justly ranks above him as a man, and holds a place in literature, and in the history of human thought, to which Hadrian has no claim.

But viewed as a statesman, as the ruler of a great empire, Hadrian stands higher than either Trajan or Marcus. He is more truly representative of his time, and he left a deeper mark upon it. Above all, it was he and not they who shaped the policy of the empire, and shaped it in accordance with ideas which, if not new, were first clearly conceived and effectively carried out by him.

For Hadrian's policy was not the result of a scholar's love of peace, or of cosmopolitan tastes, or even of mere restlessness. It was directed by one dominant idea, the influence of which is everywhere traceable. This master-idea was, to use a modern expression, the imperial idea (*Reichsidee*)—the conception of the empire, as a single well-compacted state, internally homogeneous, and standing out in clear relief against surrounding barbarism. The realization of this conception was the object for which Hadrian laboured. If he refused to follow Trajan in his forward policy, it was not from timidity, or, as Gregorovius seems to think, from a scholarly love of peace and quiet. Indeed, as I have hinted, the contrast so often drawn between Trajan the man of war and Hadrian the man of peace, the Romulus and Numa of the second century, is somewhat misleading. Hadrian was anxious for peace, not in order to secure leisure for peaceful pursuits, but because the empire needed it, and he abandoned a policy of conquest, in the conviction that the empire had reached its natural limits, and required not expansion but consolidation.

In this belief he set himself to give the empire, what it had only imperfectly possessed before, definite and well-marked frontiers. The lines of demarcation which thus 'separated the barbarians' from Roman territory he protected by a system of frontier defences, which was no doubt developed by his successors, but the idea and plan of which were unquestionably his; and to hold these defences he maintained a frontier force, the efficiency of which was his constant care. We are too apt, in thinking

of Hadrian's travels, to picture them only as the restless wanderings of a connoisseur from one famous site to another in the peaceful provinces of the interior, and to forget how large a portion of his time was spent, not in Athens or Smyrna, but in reviewing the troops and inspecting the stations along the whole line of the imperial frontier.

This frontier policy of precise delimitation and vigilant defence he supplemented within the empire by a policy of consolidation. When Hadrian assumed the command the old theory of the empire as a federation of distinct communities in alliance with and under the protectorate of Rome was rapidly losing ground. The differences in race and language, in habits of life, and modes of thought, which had formerly justified and even necessitated it, were fast disappearing. The titles and distinctions which had once implied not only a desire for political independence, but a partial possession of it were becoming mere phrases. Even the 'freedom' of a free community could be ridiculed with impunity by a popular orator, and the native state, with its native ruler, was, except in a few outlying corners of the empire, a thing of the past. The idea of a single Roman state was in the air, and Hadrian gave effect to it with singular skill and perseverance. His cosmopolitanism was in reality imperialism, and sprang from his desire to stamp everything with the imperial mark, and to utilize everything for the benefit of the empire. He was a Phil-Hellenist, not merely from sentiment, but from the conviction that Latins, Greeks, and even barbarians had all something to contribute to the common service. The man who appointed the Greek Arrian to the command of Roman legions and of a Roman frontier province was noted equally for his careful study of old Roman tactics and for his liberal adoption of barbarian movements.

In other departments of his administration the influence of this dominant idea of imperial unity is as plainly seen. He was liberal in granting the Roman franchise. He encouraged

the diffusion over the empire of municipalities modelled on the Roman pattern. The imperial civil service was developed and enlarged, and the old distinction, once so earnestly maintained between the public service of the state and the private service of Caesar, is scarcely heard of after the reign of Hadrian.

Between the time of Augustus and that of Diocletian there was no emperor who so correctly appreciated the needs of the empire, or who carried into practice with equal consistency a deliberate and comprehensive policy.

VIII

THE ROMAN FRONTIER SYSTEM[1]

THE stone wall and earthworks which mark the northern frontier of the Roman province of Britain form part of the great imperial frontier system by which the barbarians were separated and divided off from Rome and Roman territory. The imperial frontier lines with their chain of military posts can be traced along the course of the great rivers—Rhine, Danube, and Euphrates—along the edge of the African and Syrian deserts, and, in a form most nearly approaching that of the British frontier, along the course of the German Pfahlgraben.

It is with the history and the leading features of this frontier system that I propose to deal; and first of all with its history. The system was in the main the work of one period. The Roman Republic can scarcely be said to have had any frontiers. It had certainly no system of frontier delimitation or defence. The Romans of the first century B.C., the sons and grandsons of the men who had conquered the civilized world, disdained to set any bounds to Roman dominion. The first suggestion that the Rhine should be the boundary of the empire of the Roman people came not from a Roman general or statesman, but from German chiefs of tribes invading Gaul.[2] So too it was a Parthian king, Phraates, who first proposed that the Euphrates should be the dividing line between the Republic of Rome and the

[1] [Read to the Cumberland and Westmorland Archaeological and Antiquarian Society in the Dacre Hall, Lanercost, on Aug. 8, 1895, and printed in the Society's Transactions, xiv. 170–84.]

[2] Caesar, Bell. Gall. iv. 16.

kingdoms of the East.[1] But the reply of Rome was in each case a refusal to accept any limit to her career of conquest. Nor, if the Republican government had wished to trace and guard the frontier lines of the empire, would it have been easy for it to do so. The empire as yet was not so much a single state as a federation of states under the leadership of Rome, and as a rule its only frontiers were those of the allied states—frontiers neither drawn by Rome nor defended by her. Even where the limits of a Roman province, that is of Roman territory, touched the confines of barbarism, these limits were very often left vague and ill-defined. There was a Roman 'sphere of influence', to use a modern phrase, but this sphere Rome was in no hurry to limit by too precise a definition.[2] We are told indeed that Scipio marked the bounds of the old province of Africa by a ditch, traces of which existed in the time of Vespasian.[3] But this ditch merely separated the Roman province from the allied state of Numidia, and was itself probably of Carthaginian origin.[4] It must, lastly, be remembered that the Republican government had neither a permanent army nor permanent camps, and that with its numerous and changing proconsuls, each independent of his colleagues and to a great extent of the authorities at home, no uniform or continuous frontier policy was possible.

The foundations of a frontier system were laid by Augustus. It was he who organized the Roman army as a standing force, who stationed the greater part of it in the frontier districts, and who first established permanent camps; and though in the earlier years of his reign the old ideas of universal empire found expression in literature,[5] and were

[1] Plutarch, Pompey, 33.

[2] Such was the case with the northern frontier of the province of Macedonia, Cicero in Pison. 38, and with the western frontier of Hither Spain.

[3] Pliny, N. Hist. 5. 25. A recently discovered inscription (Année Épigraphique, 1894, No. 65) of Vespasian's reign refers to this ditch.

[4] Müller, Fragm. Hist. Graec. 3. 622.

[5] Horace, Od. 3. 3. 45.

possibly shared by himself, he left as a legacy to his successors the advice 'to keep the bounds of the empire within fixed limits'.

But it was only the foundations that were laid by Augustus. At the close of his reign, in many parts of the empire, the districts organized as Roman provinces and garrisoned by Roman troops were separated from the 'nations outside', 'the peoples' (to quote Seneca) 'among whom our peace ceases,' by a broad belt of native allied states;[1] and even where, as on the lower Rhine, a real Roman frontier line had been drawn, its intention was rather to set bounds to the Roman advance than to arrest invading barbarism.[2]

Augustus's immediate successors did little or nothing for the actual construction of the frontier system, but they undoubtedly paved the way for such an achievement by the gradual annexation of the frontier native states of Cappadocia, Pontus, Thrace, and Mauretania. Roman territory was thus carried up to the political limits of Roman authority.

The real authors of the frontier system were the Flavian and Antonine Emperors, and the period extending from the accession of Vespasian to the death of Marcus Aurelius, or roughly from 70 A.D. to 180 A.D., witnessed its complete organization. The interest of these emperors in the matter was no doubt quickened by the growing anxiety—an anxiety unknown to the Augustan age, but perceptible in Tacitus—as to the increasing pressure from without upon the empire.[3] At the same time it was only natural that emperors, the keynote of whose policy was the consolidation of the empire, and who gave it a single administrative system,

[1] e.g. in the east, where the native states of Pontus, Cappadocia, and Commagene then lay between the most eastern Roman provinces and the Euphrates.

[2] Tacitus, Hist. 4. 23, explains the weakness of the camp at Vetera by pointing out that Augustus never contemplated the possibility of its being attacked by the Germans.

[3] The difference of tone as between Horace and Tacitus is very marked and has often been noticed.

a uniform franchise, and a uniform municipal law, should have given it also well-defined frontiers and a comprehensive system of defence. It would be out of place here to describe in detail the accomplishment of the task, or to assign to each emperor his proper share of the work, but it is well for students of the British frontier to remember that the emperor with whose name the organization of the imperial frontier system is most closely connected is Hadrian.

The real motive for his restless travelling was not the curiosity of a connoisseur, but the resolution of a great ruler to set in order the defences of the empire. Each frontier was visited in turn, the military posts inspected, the troops reviewed. Of one such visit a memorial remains in the extant fragments of his speech to the army in Africa, which were found on the site of the central 'camp' constructed by his orders for the famous Third Legion at Lambaesis.[1] We can read the words of commendation which he bestows on the legion for the skill shown in the construction of the camp and for the high state of efficiency which had been maintained in spite of the fact that it had been rarely possible to drill the men together owing to the number always absent on detachment duty in the frontier posts. The auxiliary cohorts and squadrons are similarly praised for the manner in which they had performed their exercises, and exhorted to constant practice in the use of their arms. From quite another quarter of the empire comes a valuable supplement to these words of Hadrian himself. We still possess the report made to Hadrian by his legate Arrian, lieutenant-governor of the north-eastern frontier province of Cappadocia, on the stations and garrisons along the south-eastern coast of the Black Sea.[2] Arrian describes how he inspected the camps; he reports the replacement of earthen banks and wooden towers by solid brick, and everywhere he put the garrisons through a variety of movements and exercises. If to these two direct testi-

[1] C. I. L. viii. 2532, 18042 (Dessau, 2487).

[2] Arrian, Periplus Ponti Euxini. [See chap. x.]

monies we add the many other proofs which exist of Hadrian's activity on the frontiers, we shall be justified in regarding him as the man to whom the imperial frontier system mainly owed its marvellous completeness and uniformity. We may then take this frontier system as the work of a single century, inspired by one policy and executed on a single plan. Let us examine it more in detail.

The terms used to denote the frontiers were 'limes' or its plural 'limites', and it is worthy of notice that the use of these terms to designate the imperial frontiers begins, as we should expect, towards the close of the first century A.D. with Frontinus and with Tacitus. To the latter we owe in particular the phrase 'limes imperii'.[1] This use of the term 'limes' in the sense of frontier or march flowed naturally from the original meaning of the word. 'Limites' were properly the raised balks dividing the separate allotments in an area measured out and assigned according to strict Roman rules. Along the top of these balks ran paths or narrow roads. The 'limes' was thus at once a boundary and a road, and in the literature of the Ciceronian and Augustan ages it is popularly used in both senses.[2] But its meaning as a boundary gradually predominated, and it was in this sense that the term was applied to the imperial frontiers. Professor Mommsen has, however, ingeniously endeavoured to show[3] that these imperial 'limites' remained true in their form to the original idea, and that each consisted of a strip of land with clearly marked bounds on both sides and with a road running along it. It is enough to say here that his application of this theory to the extant frontier lines in Britain and

[1] Frontinus, Strateg. 1. 3. 10 'limitibus per CXX, M.P. actis'; comp. 2. 11. 7, Tac. Germ. 29 'limite acto, promotis praesidiis'. Ibid. Agric. 41 'de limite imperii et ripa'.

[2] Verg. Aen. 9. 323 'lato te limite ducam'. Horace, Od. 2. 18. 25 'ultra limites clientium salis avarus'.

[3] Westdeutsche Zeitschrift, 13. 134 [reprinted in his Gesammelte Schriften, 5. 456. See more recently, Oxé, Bonner Jahrbücher cxiv. 99 and Barthel, Bericht über röm. germ. Forschung, 1906–7, p. 176.]

Germany does not appear to be successful. I cannot believe that our Northumberland and Cumberland stone wall and vallum represent the outer and inner edges of the British 'limes', and in the case of the Grahame's Dyke and the Pfahlgraben he has to confess that, while an outer boundary can be found, no inner line of demarcation has yet been discovered. At the same time there is no doubt that 'limes', like 'march', was frequently used to include not only the frontier line with its defences, but the territory stretching along both sides of it.

The first step in the construction of a frontier must have been delimitation; where the line should be drawn and what course it should follow were matters which a variety of considerations might decide. In some cases a river supplied an obvious and natural boundary; where no river existed, and an artificial line had to be traced, the surveyors were probably guided by existing territorial divisions or by the limits of Roman settlements, as was possibly the case in Upper Germany, or as in Africa, by the limits of cultivable or habitable land, or, finally, by simple convenience.

We must assume further that the course of the frontier line was marked in some visible way. Mommsen rightly urges that an underground concealed ditch, such as that recently thought to have been found in Germany,[1] must have been supplemented by some indications of its course above ground. The difficulty would plainly arise only where, to quote Spartianus,[2] the barbarians were separated not by rivers but only by 'limites'. How it was solved is uncertain, possibly in some cases by boundary stones at short intervals, but very possibly also by a continuous bank and fosse;[3] and such may have been the nature of the 'limites' which Hadrian

[1] [A theory now generally abandoned.] [2] Vita Hadriani, 12.

[3] Hyginus (Gromatici, ed. Lachmann, p. 192), 'multi perpetuos limites egerunt, . . . sicut in veterum coloniarum finibus invenimus, frequentius in provinciis.' It appears from the African inscription referred to above [p. 165, note 3] that in Vespasian's delimitation of the province of Africa boundary stones were only used 'qua fossa afuit', where there was no ditch.

rendered more difficult of passage by palisades.[1] It is dangerous to dogmatize about the British vallum. But Mr. Haverfield's suggestion that it represents a line of delimitation, as distinct from, though not older than, the military line of defence, is at least plausible.

Delimitation must have been accompanied, or very shortly followed, by defence, sufficient at any rate to ensure that the frontier was respected, to check raids or smuggling, and to regulate the ordinary traffic. Obviously the line of defence would not always coincide exactly with the line of delimitation. It might be in advance of it, or just to the rear of it, or might cross and recross it. Its strength, too, would vary with circumstances.

But in all cases known to us the line of defence along a Roman frontier was formed by a chain of military posts. The distances between the posts varies greatly, as does their relation to the frontier line, but the chain of posts is universal. The posts themselves are very uniform in type. Except along the Lower Rhine, the Danube, and the Upper Euphrates, the camps of the legions do not form part of the chain, but are planted at some considerable distance to the rear. This is so in Britain, in Africa, and in Upper Germany. York, Chester, Lambessa, Mainz, and Strassburg serve as supports to the frontier posts and are connected with them by roads. The posts which actually constituted the links in the chain of defence were generally known as 'praesidia', but they could also be classified according to their size as 'castella', 'burgi', and 'turres'. These three grades of posts we in England have rechristened 'stations', 'milecastles', and 'turrets', a difference of terminology which rather obscures the uniformity of the system. Everywhere the 'burgi' and 'turres' seem to have served as stations for signalling and observation, and are placed at intervals between the larger camps—the 'castella'.[2]

[1] Vita Hadriani, 12.

[2] 'Praetentura' and 'clausura' are only found in late writers. Ammianus

In two well-known cases at least the line of defence formed by the fortified posts was further strengthened by a connecting wall or earthen rampart. But such a continuous barrier as our British wall, or the German Pfahlgraben, was not an invariable element in the frontier system. It was clearly superfluous where a great river afforded security, as on the lower Rhine, the Danube, or the Euphrates, nor is there any evidence of its existence along the African frontier.

In several cases the chain of posts is not single, but double or even treble. It is so in Upper Germany,[1] along some sections of the African frontier,[2] and it must have been so in Britain, during the brief period between the erection and the abandonment of the 'Vallum Pii'. In the three cases mentioned, in Upper Germany, Africa, and Britain, it seems almost certain that the doubling or trebling of the lines of defence was primarily due to the pushing forward of the frontier,[3] and to the fact that the earlier line or lines were still garrisoned, even after the construction of the new one. We are indebted to Frontinus[4] for a partial explanation, at any rate, of this policy. Among the devices of strategy which he commends is that by which a troublesome tribe was isolated and cut off, not only from the peaceful borders of a Roman province, but from the tribes in their rear, among whom they might have found shelter and assistance.

(14. 3) speaks of Mesopotamia as guarded 'praetenturis et stationibus agrariis'. Justinian (Cod. 1. 27. 2) says of the African 'limes' that its line was marked 'clausuris et burgis'. In the Housesteads inscription, C. I. L. vii. 634 'praetentura' probably bears its earlier meaning of a part of a camp.

[1] The original line was marked by the Rhine, the second was that now known as the 'Neckar-Mümling Linie', the third that of the Pfahlgraben.

[2] Cagnat, L'Armée Romaine d'Afrique, gives a clear account of the three successive lines drawn along the south frontier.

[3] Zangemeister, Neue Heidelberger Jahrbücher, 1893, while assigning the camps on the Neckar line and on the Pfahlgraben to the same date (Hadrian—Pius), holds that the Neckar line represents an earlier frontier. [See ch. ix.]

[4] Strategem. 1. 3. 10 and 2. 11. 7.

In this way, he says, Domitian completely enclosed the marauding tribes of the Taunus and cut them off from their powerful allies the Chatti. It was, no doubt, with the same object that in Africa the mass of Mount Aures was girdled round with Roman garrisons, and the language of Pausanias[1] as to the vallum of Pius suggests that the intention here also was to isolate the turbulent tribes lying between this barrier and Hadrian's wall from their northern kinsmen or allies.

An important feature in the frontier system was the treatment of the land lying immediately beyond the line of defence. Such land was cleared of its native population and treated as part of the frontier or march. Tacitus[2] mentions such a belt of land along the further banks of the Lower Rhine, and adds that it was reserved for the soldiery. Marcus Aurelius, after the Marcomannic war, cleared a strip varying from four to eight miles in breadth, beyond the Danube. No barbarians might settle there, except at the places and on the days set apart for occasional markets on the riverside.[3] The outlying posts not unfrequently found beyond the frontier may in some cases have been intended to keep order in this cleared border-land. But these posts also served the purpose of guarding and keeping open the 'lines of attack', the roads, that is, along which an expeditionary force would advance when sent to chastise a marauding tribe or quell a disturbance. Both these purposes may have been served in North Britain by such posts as those at Birrens, Bewcastle, and High Rochester.

But the Roman frontier or march, in its widest sense, included, besides the cleared land in front, a certain area of territory in the rear. The two together constituted what in the fourth and fifth centuries was known as the 'terra limitanea' or 'agri limitanei'.[4] Of these border-lands the

[1] Pausan. 8. 43 *ἀπετέμετο τῶν . . . Βριγάντων τὴν πολλήν.*

[2] Tac. Annals, 13. 54.

[3] Dio 71. 15. Very similar regulations exist on our own Indian frontier.

[4] Cod. Theod. 7. 15; Cod. Just. 11. 60 (59). 3.

emperor was lord. Here were the imperial 'saltus' administered by his 'procuratores' and cultivated by his 'coloni'.[1] Portions of it were from time to time granted to veterans, others were assigned to the frontier soldiery, or in some cases to native tribesmen or to settlers from within the empire. It is probable, however, that in the second and third centuries, as in the fourth and fifth, the obligation to assist in the defence of the frontier was a condition of the tenure of such land.[2] In extent these frontier districts may well have varied greatly. Where, as on the Lower Rhine, civilization developed and self-governing municipalities sprang up, the 'march land' must have shrunk in proportion. It is possible, on the other hand, that nearly all the district between the Upper Rhine and the Pfahlgraben was treated as frontier territory. A recent German writer is inclined to say the same of the southern half of Numidia,[3] and such was not improbably the condition of Roman Britain north of the Humber.

As regards the troops to whom the defence of the frontier was entrusted, a very few remarks must suffice. The force included, in the first place, a legion or legions, and from

[1] The frequency with which imperial 'saltus' occur in the frontier districts of Africa is noted by Cagnat, L'Armée Romaine d'Afrique. They are found also in the territory between the Rhine and the Pfahlgraben. One existed near Sumelocenna (Rottenburg), and extended up to and beyond the 'limes'. A Bithynian Greek inscription, probably of about 80–100 A.D., mentions an imperial procurator Χώρας Σουμελοκεννησίας καὶ ὑπερλιμιτανῆς [Mommsen, Korresp.-Blatt der Westdeutschen Zeitschrift, 1886, sec. 197; Dessau, 8855; p. 188 below]. The case quoted, Digest 21. 2, 11, of a purchase of land beyond the Rhine, which was not completed because the emperor granted away the land to veterans, implies the ownership of Caesar. The vendor can only have been a tenant.

[2] For the later practice see Cod. Theod. 7. 15, Cod. Just. 11. 60 (59) 'agros limitaneos quos ex prisca dispositione limitanei milites . . . curare . . . atque arare consueverant'. Severus Alexander granted lands on the frontier under condition of military service, Vita Alex. 58. The African inscriptions supply instances of frontier posts garrisoned by veterans, or natives (gentiles), who had the use of a certain area of ground near the 'burgus' or 'turris'.

[3] Schulten, Hermes, 29. 481.

quite an early period in the history of the frontier system, from the middle of Domitian's reign onwards, each legion had its own permanent camp. But in Hadrian's time the camp was not much more than the head quarters and dépôt of the legion, and a great part of the legionaries were constantly away, serving in detachments ('vexillationes') up and down the frontier territory, making roads, constructing new and repairing old buildings, or employed on some special duty.[1] The regular garrisons of the frontier posts were, however, furnished not by the legionaries but by the auxiliary cohorts and squadron, and by the smaller bodies of auxiliaries styled 'numeri'.

A marked feature in the frontier force is its immobility. This feature is clearly discernible long before the legislation of Diocletian and Constantine stereotyped the military, as it stereotyped all other arrangements of the empire. It is most conspicuous in the case of the legions: of the Twentieth Legion at Chester, of the Sixth at York, of the Fifteenth at Satala on the Euphrates, and above all of the Third Augustan Legion in Africa. The auxiliary corps were more easily movable, and were in fact more frequently moved, not only from one frontier post to another, but from province to province. Yet, in the case of Britain, we find that of the twenty-three corps recorded in the Notitia as stationed 'per lineam valli', sixteen are known to have been in Britain before 124 A.D.

On some frontiers, notably on the African frontier, the permanent character of the stations even of the auxiliary troops encouraged the growth near them of civil settlements, many of which attained gradually to the dignity of municipalities. But in the frontier districts of Britain, though traces of civil settlement are discoverable, they are com-

[1] Hadrian in his address to the Third Legion speaks of the 'numerous and widely distant posts' held by detachments of the legion, 'tot et tam distentae stationes,' C. I. L. viii. 2532.

paratively small and unimportant, nor, with the single exception of that at York, do any of them seem to have obtained a municipal charter.

How the frontier force in Britain was recruited is a question which the meagreness of the evidence makes it difficult to answer. We cannot say whether the legions in Britain were recruited, as was largely the case on other frontiers during the second and third centuries, from the districts in which they were stationed, or by drafts from the neighbouring provinces of Gaul.[1] It is equally doubtful how long the auxiliary cohorts and squadrons continued to be composed of natives of the districts or provinces whose names they bore, or whether these territorial designations came to mean as little as those of English regiments meant till a few years ago. So far as the evidence goes, however, it would seem that in Britain the drafts of men from Belgic Gaul, Germany, and the Danube were as a rule distributed among the existing corps, and not organized as separate bodies.[2]

The frontier system, which has been described above, was considerably modified after the storms of the third century by Diocletian and Constantine. It may be of interest to point out how far the changes introduced by them affected so remote a corner of the empire as Britain.

In the fourth and fifth centuries the empire had still well-defined frontiers—the 'limites', as they were now officially styled, though in Upper Germany the 'limes Transrhenanus' and in Britain the 'Vallum Pii' had been abandoned. These 'limites' were, moreover, still guarded by chains of fortified posts, most of which dated back to the second

[1] Among the half-dozen or so legionaries whose origins are given on inscriptions four are from Gaul.

[2] According to Dio 71. 16 Marcus Aurelius sent 5,500 Iazyges to serve in Britain. These conscripts must have been distributed among the existing corps in the island. We may suspect that some corps retained their original territorial character longer than others.

century. But the force which held these posts differed in several important respects from the frontier force of earlier times. The military system of the fourth century was based on a clear distinction between the field army, the 'milites palatini', or 'comitatenses', who in theory guarded the emperor's palace, or followed him to war, and the frontier army, the 'milites limitanei'. The latter were inferior in rank, in the privileges which they enjoyed, and even in physique; they were as indissolubly bound to their frontier stations and to the frontier lands as the 'colonus' to the soil, many of them indeed being little better than armed peasants. They had, lastly, their separate military organization under the 'dukes' and 'counts' of the frontiers.[1]

If we now turn to the account of the military arrangements in Britain given in the Notitia Dignitatum, it seems clear that this new system was not so thoroughly carried out there as it was elsewhere. We get, indeed, the fundamental distinction between the field army and the frontier army. But the field army in Britain was comparatively a small one. It consisted of one legion, one corps of auxiliary infantry, and six of cavalry, and was throughout formed on the new lines—both the legion, a fragment of the old Second Legion, and the auxiliary corps being of the new pattern.[2]

Very different was the case with the frontier army. It contained in all forty-six corps as against the eight of the field army, nine being in the south under the command of the 'Count of the Saxon Shore', and the rest in the north under the 'Duke of Britain'. The southern portion of the force had, judging from the names borne by most of the troops composing it, been organized in post-Diocletian times.[3] The

[1] Mommsen, Hermes, 24, pp. 195 foll., gives a clear summary of the post-Diocletian military system.

[2] Not. Dignit. Occ. 7 and 29. The field army was immediately under the command of the 'Comes Britanniae'. It had no fixed stations.

[3] Not. Dignit. Occ. 28. The only corps of old standing are the Second

northern portion, on the other hand, was clearly of far older standing. The corps of which it was composed, the names they bear, even the posts at which many of them were stationed, seem to have been the same in the fifth century that they were in the second.[1] The command-in-chief has passed, indeed, to new hands. The 'dux Britanniarum' has replaced the 'legatus', but the sixth legion is still at York, having escaped the fate which befell the second. Of the thirty-six auxiliary corps twenty-one are styled in the old fashion 'alae' and 'cohortes', the majority of them having been in Britain since the second century, and eleven are 'numeri', of the kind common in the third century.[2] The natural inference is that in North Britain the military organizations of the second century still survived, though with modifications, in the fifth.[3]

The area over which this frontier force was distributed extended from the line of the Wall southward to Doncaster on the east, and at least as far as Ribchester near Preston on the west. The larger corps, the cohorts and squadrons, were stationed partly along the line of the Wall, partly along the scarcely less important frontier of the western coast. The smaller detachments of 'pioneers' ('exploratores'), 'guides'

Augustan Legion, part of which had been transferred to the field army and which was now stationed at Richborough, and the 'cohors i Baetasiorum', which was in Britain early in the second century.

[1] Not. Dig. Occ. 40.

[2] 'Numerus' in the second and third centuries denoted a detachment of non-Roman auxiliary troops. In the fourth and fifth centuries it was used indifferently of any corps, Roman or non-Roman.

[3] This seems a more probable explanation of the difference between the British sections (esp. chap. 40) of the Notitia and the rest than the supposition that these sections are older in date, [which Mommsen has put forward, Hermes, xxiv. 204 note, 269 note. Despite the word 'fifth' in the text, it is not really contended here that the troops assigned to Britain in Notitia Occ. 40 were still there, and in the forts named, as late as 425 A.D., but that the second-century organization which it describes lasted, with various alterations, for most of the fourth century. See also Seeck in Pauly-Wissowa's Real-encycl. iv. 640, 641, s. v. 'comes'].

('directores'), &c., were as a rule in the interior and along the line of the roads. No stations are mentioned north of the Wall. Blatum Bulgium (Birrens) and Bremenium (Rochester in Redesdale) appear in the Itinerary but not in the Notitia.

We must suppose that the greater part, if not all, of this area was treated as frontier land, 'terra limitanea,' according to the strict regulations of the fourth century, or in other words that it was Caesar's land, reserved for the use of the frontier force, whether regulars or native tribesmen, such as the 'gentiles' on the African frontier.[1]

It may be remarked in conclusion that the new system probably impaired rather than increased the efficiency of the frontier troops. Our own experience in India has shown the danger of leaving even picked troops for too long a period at remote frontier stations. It is probable that the 'milites limitanei' of the fourth and fifth centuries, confessedly the inferior branch of the army, many of them scarcely regular soldiers at all and all fixed immovably upon the frontier soil, gradually degenerated, and proved more and more unequal to their appointed task, the 'care and defence of the "limes"'.

[1] The smaller detachments of 'guides' and 'pioneers' may well have been native levies.

IX

THE ROMAN FRONTIER IN SOUTHERN GERMANY[1]

In no quarter of the empire was Augustus's warning against further expansion[2] more carefully heeded than on the Rhine, until with the death of Nero the 'progeny of the Caesars'[3] ended, and nowhere else was a scheme of frontier defence based on this policy more rapidly and completely developed. The territory lying along the left bank of the river was treated as a military district and placed under the control of the legates who commanded the two army corps of Upper and Lower Germany.[4] Within this area there were, until the foundation of Cologne in 50 A.D., besides the legionary camps and the smaller forts garrisoned by auxiliaries, only the native settlements of the subject German tribes,[5] themselves liable to be called upon to assist the Imperial forces[6] in repelling or punishing raids by their kinsmen beyond the river. The two armies were of imposing strength, consisting of four legions each and of at least an equal number of auxiliaries. The head quarters of the lower army were at Xanten (Vetera), facing the valley of the Lippe, and the route that led up it into the heart of Germany. Here two legions were stationed, the

[1] [Read March 15, 1906, to the Royal Historical Society, printed in the Transactions of the Society, xx. pp. 17–47. See the map at the end of the volume.]

[2] Tac. Ann. 1. 11 'addideratque consilium coercendi intra terminos imperii'.

[3] Suet. Galba, 1.

[4] 'Legatus exercitus qui est in Germania superiore' was the official title.

[5] Ubii and Sugambri, in Lower Germany; Nemetes, Vangiones, and Triboci in Upper Germany.

[6] Tac. Ann. 1. 56 'tumultuarias catervas Germanorum cis Rhenum' etc.

others being at Neuss (Novaesium) and at Bonn (Bonna).[1] The upper army had its head quarters at Mainz (Mogontiacum), commanding the lowlands of the Main and the road to the country of the Chatti. At Mainz, as at Xanten, were two legions, while Strassburg (Argentoratum) and Windisch (Vindonissa) had one each. With the tribes on the further side, 'among whom,' as Seneca says, 'our peace ceases,' Rome only concerned herself so far as the safety of the frontier required. They were not allowed to cross the Rhine except under an escort,[2] nor to settle within a certain distance from the right bank.[3] Opposite Mainz, and down to the time of Claudius opposite Xanten,[4] fortified posts were established on the main routes into the Hinterland, which at once served to check raiders and provided bases of operations for punitive expeditions.

It was by the Flavian emperors that the first departure from the Augustan policy was made. When Tacitus wrote the 'Germania' in 98 A.D. a stretch of territory beyond the Upper Rhine had, as he tells us, been annexed by Rome and made a part of the province.[5] Of this annexation, of the motives which prompted it, of its extent and history, even of its precise date, ancient writers tell us extremely little; the proverbial half-sheet of note paper would easily contain all

[1] The foundation of Cologne (Ann. 12. 27) necessitated [or rather, followed] the removal of the two legions hitherto stationed 'in finibus Ubiorum', and the formation of two camps, one above and one below the new colony.

[2] Tac. Germ. 41.

[3] Under Nero the Frisii attempted to settle on the forbidden territory, but were evicted. Ann. 13, 54.

[4] In 47 A.D. Claudius ordered the withdrawal of all garrisons beyond the Lower Rhine (Tac. Ann. 11. 19). There seems to be evidence that the early Roman fort recently excavated at Haltern, on the Lippe, was abandoned at this time. [This statement occurs also in a note by Mr. Pelham to the second edition (1907) of Furneaux's Annals, Introd. p. 32. But Dr. Ritterling assures me that all the hitherto finds at Haltern end with or close after the defeat of Varus. See also Dragendorff, Röm.-germ. Korrespondenzblatt, 1908, p. 76.]

[5] Germ. 29. The 'province' must be Upper Germany; see below, p. 183.

that they have to say. The literary record opens with the passage just referred to in the 'Germania'; it closes with the brief statement in an anonymous document[1] that all the territory beyond the Rhine was lost when Gallienus was emperor. Save for a few paragraphs of great value in Frontinus,[2] and a few lines in such later writers as Eutropius and Aurelius Victor, the intervening space is a blank.

But though, so far as literature is concerned, the history of this annexation is a lost chapter, one striking witness to its reality has fortunately survived the flood of barbaric invasion: the great 'barrier' which, starting from Hienheim on the Danube, runs for some 300 miles till it reaches the Rhine opposite the mouth of the Vinxtbach. For the first 100 miles, from Hienheim to Lorch, it consists of a stone wall, locally known as the 'Teufelsmauer'; for the remaining 200 miles it is an earth bank and ditch, in popular phrase the 'Pfahlgraben', or Pale. This barrier has long been recognized as Roman, and as marking the line of a Roman frontier. At intervals during the last three centuries sporadic efforts have been made to determine its exact course, and to fix the positions of the Roman forts in its neighbourhood. It was not, however, until towards the close of the last century that any attempt was made to deal systematically and comprehensively with the barrier and with its problems. Von Cohausen, the Dr. Bruce of the German barrier, published his account of it in 1884.[3] His book, like that of Bruce on the English Wall, was a remarkable

[1] The 'laterculus Veronensis', Seeck. Notit. Dign. p. 253. It gives the names of five 'civitates' beyond the Rhine and adds, 'trans castellum Mogontiacense lxxx leugas trans Renum Romani possederunt. Istae civitates sub Gallieno imperatore (253–268 A. D.) a barbaris occupatae.'

[2] Strateg. 1. 3. 10; 2. 3. 23; 2. 11. 7.

[3] Der römische Grenzwall in Deutschland (Wiesbaden, 1884). In the late summer of 1884 two Oxford men, Mr. J. L. G. Mowat, Fellow of Pembroke, and Mr. T. M. Crowder, Bursar of Corpus, walked the whole length of the barrier. A brief account of the walk was issued privately by Mr. Mowat (A Walk along the Teufelsmauer and Pfahlgraben, pp. viii, 93; Oxford, 1885).

achievement of almost single-handed labour. It materially added to our knowledge of the subject, and it rendered the still greater service of compelling the attention not only of German scholars but of the German people to this unique monument of Roman rule.

While the investigation of our own Roman remains is still left to the energy of single scholars or local societies the Germans set themselves to the study of theirs in a characteristically thorough fashion. In 1892 an 'Imperial Frontier Commission' (Reichs-Limeskommission) was appointed; the Reichstag voted supplies, and an efficient body of district commissioners, superintended by military and archaeological directors,[1] were set to work. Twelve years of continuous labour followed; the exact course of the barrier has been determined; more than seventy forts have been excavated, exclusive of smaller posts and watch-towers; roads have been traced, the pottery classified, and the inscriptions edited.[2] No better object-lesson in the value of organized and well-directed research could be found, and no more important contribution has ever been made to our knowledge of Roman frontier methods. One result of the commission's work deserves notice at once, as it is not without its bearing on our own Romano-British problems. The primary duty assigned to the commissioners was no doubt the examination of the barrier itself, on which naturally

[1] Lieut.-General von Sarwey and the late Professors Hettner and Zangemeister, [now followed by Prof. E. Fabricius, of Freiburg i. B.]

[2] Details of the work of the commission are given in the official Limes-Blatt (Trier, 1892–1903) and in the Ober-Germanisch-Rätischer Limes, in which over sixty forts have now been described. The pottery has been treated by Dragendorff (Bonner Jahrbücher, 1895 foll.) and by other writers. The inscriptions are given in Corp. Inscr. Lat. xiii. part 2, fasc. 1 (1905). Excellent summaries will be found in Koepp, Die Römer in Deutschland (Leipzig, 1905), pp. 56–86, and in Fabricius, Die Besitznahme Badens durch die Römer (Heidelberg, 1905). [See also Lachenmaier in the Württemb. Vierteljahrsh. für Landesgesch, xv (1906), pp. 187–262, and various writers in the Bericht über die . . . röm.-germ. Forschung 1906–7 (edited by H. Dragendorff, Frankfurt, 1909), pp. 16 and 165–196.]

enough public attention was mainly concentrated. It was not long, however, before it became certain that the 'barrier' represented only the last and by no means the most interesting stage in a long process, and belongs not to the prime but to the decadence of the empire.

The territory annexed by Rome beyond the Upper Rhine may, for clearness' sake, be roughly divided into three sections: (1) a northern section, including the Taunus, the lowlands traversed by the Main, with its tributaries, and the district south of the Main as far as the Neckar (this we may conveniently call the Taunus section); (2) the region traversed by the Neckar, including the Black Forest (this will be referred to as the Neckar section); (3) the strip of country between the Danube and the barrier, which we may call the Raetian section. Each of these sections has, as will be seen, something of a separate history of its own.

It is with the second section, the Neckar district, that our story begins, for it can hardly be to any district but this that the famous passage in the 'Germania' refers.[1] It lies in an angle formed by the Rhine and the Danube, by the frontiers, that is, of Upper Germany and Raetia, and could therefore be correctly described as a bay or inlet of the empire, 'sinus imperii.' Not less appropriate to the Neckar district is Tacitus's description of the territory in question as 'dubiae possessionis solum',[2] a phrase which Dr. Fabricius misunderstands, but which must surely indicate the condition of the country prior to its annexation by Rome. It was in reality a 'debateable land', and had been so for more than

[1] Germ. 29 'Non numeraverim inter Germaniae populos, quamquam trans Rhenum Danuviumque consederint, eos qui decumates agros exercent. levissimus quisque Gallorum . . . dubiae possessionis solum occupavere, mox limite acto promotisque praesidiis sinus imperii et pars provinciae habentur'.

[2] Fabricius, Baden, pp. 55, 58, takes Tacitus to refer to the whole area, 'which projected like a peninsula into the sea,' a very doubtful interpretation of 'sinus imperii'. He also takes 'dubiae possessionis' as referring to the tenure on which the 'coloni' held their lands from the Roman government after the annexation.

150 years. In the second century B.C. Celtic tribes occupied it, Helvetii, Boii, possibly also Santones and Cubii, and a fairly high Celtic civilization was diffused over the district.[1] Towards the close of that century the Celts moved away, the Helvetii southward, the Boii eastward, the Santones and Cubii westward to new homes between the Loire and the Garonne. They left behind them traces of their presence in place-names such as Lopodunum, Sumelocenna, Tarodunum,[2] in the ring walls of their deserted settlements,[3] in the graves of their burying grounds, and here and there in isolated Celtic worships.[4] Probably, too, some remnants of the Celtic population itself clung tenaciously to their ancient seats. Boii, for instance, seem to have been dwelling on the Middle Neckar in the second century A.D.[5] On the heels of the Celts came the Germans, first of all at the end of the second century B.C. the Cimbri and Teutons, fifty years later Ariovistus with his hordes of Sueves. But the Germans, though they destroyed nearly all that remained of Celtic civilization, put nothing in its place. They swept over the country and in their turn passed away: even the Marcomanni, who were still in the Neckar country in the time of the elder Drusus, departed eastward to found a new German kingdom in Bohemia. Only a few traces of these German invaders are discoverable. A remnant of Sueves on the Lower Neckar,[6] of Teutons on the Upper Main,[7] a worship of Cimbrian Mercury,[8] and a few graves—such is

[1] Tac. Germ. 28. A dedication 'deo Santio' was found at Miltenberg. C. I. L. xiii. 6607. Domaszewski, W. D. Z. 1902, p. 204, connects the 'Cubii' of Frontinus, Strateg. 2. 11. 7, with the Bituriges Cubi in Gaul.

[2] Ladenburg, Rottenburg, and Zarten.

[3] As at Zarten and probably at Rottweil. Fabricius, Baden, p. 14 f.

[4] e. g. the 'deus Santius' already referred to.

[5] C. I. L. xiii. 6448 (at Benningen), 'Deanae explorator(es) Triboci et Boii.'

[6] At Ladenburg, the 'civitas Ulpia Sueborum Nicretum'. Ibid. xiii. 6404, 6420, 6420 *a*.

[7] Near Miltenberg. Ibid. xiii. 6610 'inter Toutonos'.

[8] Ibid. xiii. 6604, also at Miltenberg.

practically all that is left. During the first seventy years of the Christian era the country lay desolate, save for a few scattered remnants of Celts and Germans, while beyond it to the eastward lay the territory of the friendly Hermunduri. The silence that fell upon the land was unbroken, and so little anxiety did it cause to the Roman commanders on the Rhine that in 43 A. D. the legion which garrisoned Strassburg[1] was taken away and the legionary camp there stood empty until the year 70.

Such, then, we may assume, was the district to which the passage in the 'Germania' refers; when was it annexed and, as Tacitus tells us, a frontier line drawn, and the garrisons moved forward?[2] That it happened before 98 is obvious; beyond this all was until recently matter of conjecture. We are now able to say with some approach to certainty that this forward movement took place in 73 and 74, under the rule of Vespasian, and that it was the result of a campaign, possibly of two campaigns, of which the literary record knows nothing.[3] Inscriptions tell us that during those two years Vespasian was three times saluted 'imperator' for successes presumably gained by one of his legates;[4] further, that these successes were gained on the Upper Rhine, since Cornelius Clemens, legate of Upper Germany at the time, was awarded the triumphal insignia 'for successes in Germany';[5] and, lastly, that two brothers in 73–74 held in turn the command of 'all the auxiliary troops against the Germans',[6] and were

[1] Legio II. Augusta, sent to Britain. See Fabricius, d. Besitznahme Badens durch d. Römer, pp. 30, 34.

[2] Germ. 29 'limite acto promotisque praesidiis'.

[3] Zangemeister, Neue Heidelb. Jahrb. 1893, pp. 9–16.

[4] In 72 Vespasian was Imperator X; in a diploma of May 21, 74, he is Imp. XIII, and before the end of that year Imp. XIV. See Zangemeister, l.c.

[5] C. I. L. xi. 5271.

[6] Ibid. xi. 5201, 5211. Cn. Domitius Tullus and Cn. Domitius Lucanus, the adopted sons of the orator Domitius Afer. Each is described as 'praefectus auxiliorum omnium adversus Germanos'.

decorated by Vespasian and Titus for their services. It may have been in preparation for this expedition that a legion, the 8th Augusta, was once more stationed at Strassburg.[1] The motives for the campaign can only be conjectured. Possibly Germans, excited by the events of 70, and aided by the Celts and Germans who yet lingered in the country, had threatened to oust the new settlers, and the latter as Roman subjects had appealed for Roman protection. Or it may be that Vespasian had for other reasons determined on the annexation and repopulation of this waste land, and that his preparations aroused resistance. In any case it is clear that his object was not to provide an effective barrier against the advance of a formidable foe, or to oust dangerous neighbours, but rather to establish the Roman peace and Roman authority in a thinly populated district.

The annexation was effected in characteristic Roman fashion. Two main roads were constructed, starting from the two natural bases, the legionary camps at Strassburg and Windisch, and following the two natural routes into the heart of the country. A milestone found at Offenburg[2] tells us that in the year 74 a road was made by Clemens the legate from Strassburg 'IN R. . .', either, to take one suggestion, 'in Raetiam' or 'in ripam Danuvii'. In any case the course of this road is now certain; it ran up the Kinzig valley and across the watershed to Rottweil on the Neckar. Here it was joined by a second road from Windisch; the line of the latter is given in the Peutinger Table;[3] but that its original construction, at least as far as Rottweil, dates back to Vespasian is rendered almost certain by the pottery, tiles, and other remains found along the route. Both roads were

[1] Fabricius, Baden, p. 34.

[2] Zangemeister, l.c., 'iter de[rectum ab Arge]ntorate in R[aetiam],' or, as Domaszewski suggests, 'in r[ipam Danuvii].' C. I. L. xiii. 9082.

[3] The stations are as follows:—Iuliomagus=Schleitheim; Brigobanna=Hüfingen; Arae Flaviae. At all three places remains of Roman buildings, tiles of leg. XI, and early Flavian pottery have been found.

guarded by earthen forts, such as that at Waldmössingen,[1] and on the Windisch road the traces of the legion then stationed at Windisch, legio XI. Claudia, are numerous. Rottweil,[2] where the roads met, had also its earthen fort, but more significant of its place in the scheme of annexation is its Roman name, preserved for us both by Ptolemy and the Peutinger Table. This name, 'Arae Flaviae,'[3] can hardly be explained except by supposing that Rottweil was selected as a centre for the official Caesar-worship of the new territory, and that altars of Vespasian first and then of Titus stood there (Domitian's would have been removed after the 'damnatio memoriae') as symbols of the Roman rule, now established within the ancient realm of Dea Abnoba, the tutelary goddess of the Black Forest. If Rottweil was already, as seems probable, an important native centre, its selection as the seat of the imperial cult was quite in accordance with Roman practice. Very possibly, too, the Roman roads which met at Rottweil followed the line of older routes, and Rottweil may have been a road centre in pre-Roman times. It is suggested by some authorities that Vespasian may have had in view another object besides that of protecting and encouraging the settlement of the debatable land, and that he realized, as Trajan unquestionably did, the opportunity offered by its annexation for establishing more direct communication between the garrisons on the Rhine and those on the Danube. It seems certain that the road from Strassburg to Rottweil was at some period continued in a south-easterly direction to the banks of the

[1] Waldmössingen, on the watershed between Kinzig and Neckar, was originally an earth fort, but was rebuilt in stone. Fabricius, Baden, p. 40.

[2] The large irregularly shaped enclosure found at Rottweil was at first taken to be the Roman fort (W. D. Z. 20. 178). It has also been regarded as belonging to a pre-Roman Celtic settlement. Uncertain traces of the Roman fort have been found within it. Fabricius, Baden, pp. 16, 37.

[3] We may possibly connect Arae Flaviae with the formation of a province of Germania Superior by Domitian (Beitr. z. alt. Gesch. i, p. 133). [See also Haug, Fundberichte aus Schwaben, xiv. 26, xv. 71.]

Danube near Tuttlingen. But there is no positive evidence that this continuation, though Roman, dates back to Vespasian, and though the 'in R.' of the Offenburg milestone may be rightly read as 'in ripam Danuvii', the reading is, of course, conjectural. On general grounds it seems doubtful whether this strategic consideration carried weight so early as 74 A.D.[1]

So far we have the ordinary accompaniments of Roman annexation, the roads or 'limites' penetrating the district, the protecting forts and garrisons; finally, at a central point, in this case at a meeting-place of roads which was also a native centre, the accepted symbol of Roman rule, the altar or altars of Augustus. But the district annexed by Vespasian was a waste country, save for a few remnants of the former population and the farms and villages of the new-comers from Gaul. It was a no-man's-land, and as such Vespasian seems not only to have annexed it politically, but to have declared a great part of it to be 'imperial domain land', like so much of the more thinly populated parts of the African provinces.[2] Rottenburg (Sumelocenna) in the time of Domitian appears to have been the seat of a Roman official who is described as 'procurator of the tract of Sumelocenna and of that beyond the limes'.[3] 'Tractus' (or 'regio') is the technical term for a group of imperial domains or 'saltus',[4] and this procurator was clearly in charge of the imperial domains lying around Rottenburg and on both sides of the road, one of which, as we know, took its name from Rottenburg itself, and was called the 'Saltus Sumelocennensis'.[5] The settlers

[1] [The milestone shows, however, that in 74 the road ran on to the Danube or to Raetia—the two mean much the same. The idea that the frontier turned sharp south at Rottweil is geographically unlikely.]

[2] For a general survey of our knowledge of the 'saltus Caesaris' see Hirschfeld, Die kaiserlichen Verwaltungs-Beamten (Berlin, ed. 2, 1905), p. 125, and Beitr. z. alt. Gesch. ii, p. 284.

[3] Ἐπίτροπον Σεβαστοῦ χώρας Σουμελοκεννησίας καὶ ὑπερλιμιτανῆς (cf. Mommsen in W. D. Z. Korr.-Blatt, 1886, p. 260). [See above, p. 173, note 1.]

[4] χώρα = 'tractus' or 'regio' rather than 'saltus'. Each 'saltus' had also its own procurator.

[5] C. I. L. xiii. 6365 'ex decreto ordinis saltus Sumelocennensis'.

must have become tenants of Caesar, 'coloni Caesaris,' paying certain dues for their land, and hence possibly the origin of the phrase 'agri decumates'[1] in the 'Germania'.

At this point we must leave Vespasian and the Neckar district and pass to the principate of Domitian and to the northern or Taunus region. The situation here was completely different. There was no question of simply annexing, opening up, and settling with crown tenants an almost deserted territory. From the legionary camp at Mainz the warders looked across the Rhine to a fertile and well-populated territory, watered by the Main and by its tributaries the Wetter and Nidda. In this territory Rome had already gained a footing. The hot springs of Wiesbaden and the silver mines in the Taunus had long been in Roman hands.[2] But the peace and prosperity of this district were constantly menaced by an enemy far more formidable than any which had to be faced in the south, the powerful tribe of the Chatti, who, though they no longer ruled up to the bank of the Rhine,[3] might at any moment pour down from their fastnesses beyond the Wetterau and harry the rich lowlands with fire and sword. As recently as 70 A.D. they had actually crossed the Rhine and attacked the fortress of Mainz itself.[4] Writing as late as 98, Tacitus contrasts their disciplined valour and military skill with the savage courage and rude tactics of their neighbours.[5] The Roman settlements had not indeed been left wholly unprotected. Mainz was already connected with the right bank by a permanent

[1] Possibly 'decumates' is a Celtic form ('lateinisch-keltische Mischbildung') of the orthodox Latin 'decumani', Fabricius, Baden, p. 58.

[2] Plin. N. H. 31. 30 mentions the Wiesbaden springs ('aquae Mattiacae') 'fontes calidi trans Rhenum'; for the silver in the Taunus see Tac. Ann. 11. 20. The pottery, &c., found at Wiesbaden point to its having been in Roman occupation during the principate of Augustus. Mittheil. d. Nassauer Alterthumsvereins, 1904–5, pp. 4, 36, 43.

[3] As in the time of the elder Drusus. Dio 54. 33.

[4] Tac. Hist. 4. 37.

[5] Tac. Germ. 30 'alios ad proelium ire videas, Chattos ad bellum'.

bridge,[1] the further end of which was guarded by a fort, now Kastel, originally built by Drusus,[2] while further up the Main, probably at Höchst,[3] was a second and larger fort, the 'praesidium in monte Tauno', also built by Drusus and repaired by Germanicus.[4] A small earth fort protected the hot springs at Wiesbaden.[5]

These precautions, however, appear to have proved insufficient, and early in his principate, in 83 A.D., Domitian resolved on more effective measures for securing the observance of the Roman peace. Concentrating a formidable force at Mainz[6] he suddenly threw it across the Rhine.[7] Though there was some fighting it is not likely that any serious resistance was offered, and the Chatti no doubt retreated to their own impregnable wilds. Thither it was no part of Domitian's plan to follow them. What that plan actually was we learn from the contemporary soldier Frontinus.[8] Domitian's object was to isolate the Taunus district and the tribes within it from the powerful neighbours whose raids they aided, and with whom, when the hour of punishment came, they found a safe refuge from Roman resentment. With this object, says Frontinus, he 'drew a frontier line or road for 120 Roman miles, and thus brought under Roman authority the tribes whom he had cut

[1] A permanent bridge was erected at least as early as 56 A.D. C. I. L. xiii. 6820.

[2] 'Castellum Mattiacorum,' orig. built by Drusus, ἐν Χάττοις παρ' αὐτῷ τῷ Ῥήνῳ, Dio 54. 33. Koepp (p. 58) wrongly identifies it with the 'praesidium in monte Tauno'.

[3] The remains at Höchst indicate its occupation in the Augustan age, while those at Hofheim belong to the time of Gaius or Claudius. Bericht über d. Fortschritte d. röm.-german. Forschung im J. 1904 (Frankfort, 1905), p. 29.

[4] Tac. Ann. 1. 56.

[5] Limes-Blatt, p. 523. It was at a later time replaced by a stone fort of the normal size (157 m. × 144 m.).

[6] He had at least four legions—8th Augusta, 14th Gemina, 21st Rapax, and the 11th Claudia, [and also apparently 1st Adiutrix, and detachments from the British legions: Ritterling, Jahreshefte d. oest. archäol. Inst. vii. (1904) 26].

[7] Frontinus, Strateg. 1. 1. 8 'bellum inopinatum'. [8] Ibid. 1. 3. 10.

off from their refuges'.[1] Both the object and the method anticipated the action of Antoninus Pius in Britain. Recent researches have made it possible to trace this frontier line, and to understand Domitian's scheme for the pacification of the Taunus district.[2] From Kesselstadt, on the Main, the new frontier ran to Oberflorstadt, and round the rich lands of the Wetterau to the north-east end of the Taunus, whence it passed along the north slope of the Taunus to the Lahn and so to the Rhine. Along the frontier small earth forts, measuring on an average 85 × 85 m.,[3] were erected at intervals, usually where some old trackway crossed the line, and between the forts were wooden watch-towers ('burgi').[4] To support those outlying posts Domitian concentrated a considerable force of auxiliary troops in the lowland. On the road leading from Mainz into the Wetterau he built a series of larger stone forts, each capable of holding at least a cohort of 500 men. Höchst, Heddernheim,[5] Okarben,

[1] Ibid. 1. 3. 10 'limitibus per cxx m.p. actis, subiecit dicioni suae hostes quorum refugia nudaverat'.

[2] Excellent summaries of the results obtained by the Reichs-Limeskommission on the Taunus are given by Prof. Koepp, Römer in Deutschland, p. 60 f.; Fabricius, Baden, pp. 47–55; and W. D. Z. 1901, p. 177 f. For this earliest 'limes' see also Arch. Anz. 1900, ii, pp. 94, 95.

[3] e. g. at Saalburg, Capersburg, Feldberg, Zugmantel. The earth fort at the Saalburg measures 83 m. × 78 m., the later stone fort 147 × 221; at Capersburg the earth fort is 89 × 89, the stone fort 122 × 134.

[4] For a description of these towers and of the frontier line see Limes-Blatt, pp. 617–48. The wooden towers rested on stone foundations and were surrounded by palisades. They must have closely resembled those represented on the Trajan column as guarding the Danube frontier. For the evidence that the so-called 'Begleithügel' marked the site of wooden towers see Arch. Anz. 1899, ii. p. 84. In some cases in the Taunus and on the Odenwald line the towers were built in the Gallic fashion (Caes. B. G. 7. 23) 'alternis trabibus et saxis'. Between the towers in some cases there was a light fence. Arch. Anz. 1900, ii. pp. 95, 96.

[5] Arch. Anz. 1904, p. 152; the stone fort measured 282 m. × 185 m. [See also G. Wolff, Römerstadt Nida bei Heddernheim (Frankft. 1908), pp. 4, 40.] Okarben measured 295 × 192, Friedberg 245 × 154, Kesselstadt 375 × 375. The legionary camp recently excavated at Neuss is 571 × 432.

Friedberg, Kesselstadt, formed a chain of base forts, connected by roads with the small posts on the frontier. From these base forts the garrisons of the latter were supplied, and on them the outlying detachments would fall back in the event of a serious attack. The system is significantly different both from that followed by Vespasian in the south and from that adopted at a later period even in the Taunus district. It assumes the imminence of serious hostilities, and the consequent necessity for concentrating rather than distributing the Roman forces.[1]

In the winter of 88–9 the two legions at Mainz, the 14th and 21st, revolted and saluted their commander, L. Antonius Saturninus, as emperor.[2] The revolt was speedily suppressed, possibly by the army of Lower Germany,[3] but it left one interesting trace of itself in the Taunus. Several of the earth forts and wooden towers along the frontier, and at least one of the stone base forts, Okarben,[4] show evident marks of having been destroyed wholly or partially by fire and of having been almost immediately rebuilt. It is certainly tempting to connect this fact with the movement made by the Germans to assist the revolted legions. We are told that they reached the Rhine and were only prevented from

[1] Fabricius, Baden, p. 51, notes that the frontier line from the Rhine at Rheinbrohl to the junction of the Main and Kinzig measures roughly 120 Roman miles. The '80 leugae' of the Verona list (p. 181 note) must be derived from the 120 Roman miles of Frontinus, [unless they be taken, as by Mommsen, to run 'von Mainz landeinwärts'].

[2] The date is fixed by the Acta Fr. Arval. (ed. Henzen), p. cxxi. Suet. Dom. 7 'apud duarum legionum hiberna'.

[3] See the ingenious arguments of Ritterling, W. D. Z. 1893, pp. 218 foll.; cf. Koepp, Römer in Deutschl. p. 63.

[4] O. R. L. 16. The apparent destruction of Okarben, in the Wetterau, and also of the small frontier forts and towers between the Aar and the Lahn, suggests the inference that the Chatti moved down both the Main and Lahn valleys to the Rhine. Arch. Anz. 1900, ii. 81 '. . . die Holzthürme auf der rheinischen Strecke südlich der Lahn bald nach ihrer Erbauung niedergebrannt und an den gleichen Plätzen erneuert worden sind'.

crossing by the sudden break-up of the ice.[1] A further consequence of the revolt was the final removal from Upper Germany of the two mutinous legions, the 14th and 21st.[2] They were replaced by legio XXII Primigenia, thenceforward the permanent garrison of Mainz.[3] The history of the next thirty years is one of gradual and, so far as we know, peaceful development. The Taunus tribes, the Mattiaci, and north of them in the Lahn valley the Usipi, settled down quietly as subject allies of Rome. The Mattiaci, according to Tacitus, paid no tribute, but supplied soldiers,[4] and at least two auxiliary regiments must have been raised from among them about this time.[5] A regiment levied among the Usipi before 85 was dispatched to Britain, and Tacitus has made famous its adventurous attempt to return to the old home by the Rhine.[6]

The annexation of the Taunus district led naturally and inevitably to the establishment of a frontier line of forts connecting this northern territory with that annexed by Vespasian in the south. The new line followed the course of the Main from Kesselstadt up to Wörth;[7] here it left the river and kept along the ridge between the Mümling and the Main to Schlossau. This section is commonly known as the Odenwald line. From Schlossau it ran directly to Wimpfen, at the junction of the Neckar and the Jagst, and

[1] Suet. Dom. 6 'ipsa dimicationis hora resolutus repente Rhenus'.

[2] Both were sent to the Danube; the fate of the 21st legion is uncertain, but possibly it was the legion which was cut to pieces in the Suebo-Sarmatian war, 89–93 A. D. Suet. Dom. 6.

[3] For this legion see Weichert, W. D. Z. 1902, p. 124. [4] Germ. 29.

[5] A 'cohors II. Mattiacorum' was in Lower Moesia in 99 A. D. C. I. L. iii. Suppl. p. 1971, diploma xxxi.

[6] Tac. Agric. 28 'Cohors Usiporum per Germanias conscripta'.

[7] It is possibly to the forts built on this section of the frontier that Frontinus (2. 11. 7) refers when he says that Domitian paid a price for the ground he took 'quum in finibus Cubiorum castella poneret', and thus won the confidence of the natives. See Domaszewski, W. D. Z. 1902, p. 203; Fabricius, Baden, pp. 19, 52.

thence along the Neckar till it joined Vespasian's lines at Köngen[1] or Rottenburg. One significant difference may be noticed between the Odenwald section (Wörth-Schlossau) and the continuation southward. Along the Odenwald line we get small earth forts and wooden watch-towers closely resembling those already described in the Taunus,[2] and possibly further investigation may reveal the site of the supporting base fort or forts. On the other hand, below Schlossau from Oberscheidenthal southwards we find larger stone forts placed on the frontier itself. The protection afforded by the river, and the absence in the south of any foe so dangerous as the Chatti, may explain the difference. This same period of thirty years must also have witnessed the development of civil life and settlement in the new territory. An important factor was the road leading southward from Mainz through the rich strip of lowland between the Rhine and the hills of the Black Forest. Before the year 90 this road must have been carried at least as far as the Neckar, for the stations at Gross-Gerau and at Neuenheim (opposite Heidelberg) must have been erected between 83 and 90, since they were built by the 14th and 21st legions.[3] At Baden-Baden the 1st adiutrix and the 11th Claudia dedicate a building to Trajan,[4] and a little further south a milestone proves that by 100 the road had been completed as far as Bühl, 120 Roman miles from Mainz.[5]

[1] The fort at Köngen very probably belongs to the later years of Domitian. Fabricius thinks that the earth fort at Sulz marked the northern limit of Vespasian's annexation.

[2] Fabricius, W. D. Z. 1901, p. 183; Limes-Blatt, pp. 444, 464, 497, 527. The fort at Hesselbach measures 82 × 72 m., that at Würzberg 79 × 71.

[3] For Gross-Gerau see Limes-Blatt, p. 848, and C. I. L. xiii. 2, p. 234, and for Neuenheim ibid. p. 224. Both were cohort forts of the normal size. [These sites may have been occupied even before 83.]

[4] C. I. L. xiii. 6298.

[5] Fabricius, Baden, p. 70; C. I. L. xiii. 9120. [Domitian, or even Vespasian or Titus, may also have annexed some land north of the Danube. See, for example, the inscr. of A. D. 80 found at Kösching, W. D. Z., Corr.-Blatt, 1907, n. 31, etc.]

Another significant fact is the creation before the death of Domitian in 96 of a province of Upper Germany. Hitherto the strip of territory along the left bank of the Rhine had been treated as a frontier district under military control. The legate in command, a sort of Warden of the March, was styled 'legate of the army which is in Upper Germany', and his authority extended not only over the legions and auxiliaries but over the German tribes dwelling within the district—Nemetes, Vangiones, and Triboci. The new territory beyond the Rhine, when first annexed, must also have been placed under him. But the famous jurist Javolenus Priscus, who commanded here in 90 A.D.,[1] is styled legate, not of the army, but of the province of Upper Germany. This transformation of the military warden of the Upper German March into a provincial governor of the orthodox type unquestionably implies a considerable development of civil life on both sides of the river. We may, moreover, take it for granted that in this case, as in others, the creation of a province involved a further step. Everywhere the basis of Roman provincial government was the 'civitas', the community recognized by Rome as the political unit. And one of the first things to be done in the organization of a province was to settle the number, status, territorial limits, and local government of the 'civitates'. In form and character these varied widely even within the limits of a single province. They might be towns of the regular Greek or Italian type, or tribal clans, as in Northern Gaul, or rural districts dotted over with villages and farms. In Upper Germany beyond the Rhine in the first century A. D. the urban 'civitas' was out of the question, for there were no fully developed towns. Nor, it would seem, were there more than two clans or tribes of sufficient size and coherence to deserve recognition. These two were the Mattiaci, in the Western Taunus, and the remnant of the Suevi on the Lower Neckar. It may be

[1] C. I. L. iii. 2864. Possibly the selection of a distinguished jurist to be the first governor of the province is significant.

safely assumed that the 'civitas Mattiacorum',[1] of which Wiesbaden was a subordinate township or 'vicus',[2] dates as such from the creation of the province, while the 'civitas Ulpia Sueborum Nicretum', the centre of which was at Ladenburg, is clearly at least as old as the time of Trajan.[3] The other 'civitates' within this area appear to bear territorial, not tribal names, and no doubt represented rural districts with a somewhat mixed population. Such were the 'civitas Taunensium',[4] of which Heddernheim was probably the centre,[5] the 'civitas Alisinensis', near Wimpfen,[6] the name of which must be connected with that of the river Elsenz, and the 'civitas Aquensium', which took its name from the springs of Baden-Baden.[7]

But we meet with two other elements in the provincial organization which are eminently characteristic of a newly settled frontier district, the most important being the imperial domains, the 'saltus Caesaris', with their 'coloni'. These were not included in the territory of any 'civitas', but were separately administered by imperial 'procuratores'. Even on these domains, however, the 'coloni' developed some kind of communal self-government and arrived at the dignity of being recognized as a 'civitas' with a local constitution of their own. Such was the good fortune, as the inscriptions prove, of the crown tenants on the 'saltus Sumelocennensis', of which Rottenburg was the centre and

[1] C. I. L. xiii. 2. 1, p. 468.

[2] Ibid. xiii. 7566. 'Vicani Aquenses', Fabricius, Baden, p. 63. Kastel (= castellum Mattiacorum), or rather the 'vici' outside the fort, would seem also to have belonged to the 'civitas Mattiacorum'.

[3] Ibid. xiii. 6404, 6420. The statement of Eutropius, 8. 2 'urbes trans Rhenum in Germania restituit' (Trajan), may refer to his organization of such 'civitates'.

[4] Ibid. xiii. 7265, 7352, 7370.

[5] Heddernheim after the removal of the troops developed into a large 'vicus', with walls 2,700 m. in circuit. [G. Wolff, Römerstadt Nida bei Heddernheim, pp. 20, 42.] Much the same happened at Wimpfen. Arch. Anz. 1899, ii. p. 90.

[6] C. I. L. xiii. 6482 'genio c(ivitatis) Alisin(ensium)'.

[7] C. I. L. xiii. 6339.

Köngen a subordinate 'vicus'.[1] The second element is no less characteristic. Not only the permanent legionary camps but the forts garrisoned by auxiliaries had their own 'territory', where their cattle could graze and crops be grown, where retired soldiers settled down near their old corps, and where at a later period even soldiers still on service could rent and cultivate plots of land.[2] Within these camp territories grew up the 'camp villages', or 'civil settlements', the importance of which for the history of Roman frontier life is now fully realized, though it cannot be illustrated here. These territories with their villages were under the authority of the commanding officer of the camp, as the imperial 'saltus' were under that of the imperial procurator; and in their case, as in that of the saltus, a quasi-independent communal organization gradually developed. A good illustration in Germany beyond the Rhine is supplied by the 'vicus Aurelius' or 'Aurelianus', near the camp at Öhringen.[3]

The facilities which the annexation afforded for establishing more direct communication between the garrisons on the Rhine and those on the Danube have been already alluded to; and, whatever may have been the case with Vespasian in 74, there can be no doubt that this object must have been constantly present to the minds of Domitian and Trajan. From the commencement of Domitian's Dacian war in 85 or 86 down to Trajan's decisive campaigns (101–7) there was

[1] C. I. L. xiii. 6365 we have still the 'saltus Sumelocennensis', but with an 'ordo', a local council of elders. A later stage is marked by 6384, 'decurio civitatis Sumel.'; cf. 6358. That Köngen (Grinario) was a 'vicus' within the domain of Sumelocenna is proved by an inscription found there a few years ago. W. D. Z. 1900, Korr.-Bl. p. 34 [O. R. L. part 30, p. 39; Haug-Sixt, Inschr. Württembergs, 497].

[2] Hirschfeld, d. kaiserl. Verwaltungsbeamten, p. 143. Premerstein in Beitr. z. alt. Gesch. iii, p. 28; cf. an inscription found near the site of the legionary fort at Regensburg, 'Aur(elius) Artissius aed(ilis) territor(ii) contr(arii, i. e. across the Danube) et k(astrorum) R(eginorum)', etc. [C. I. L. iii. 14370(10). 'Contr.' has also been explained as 'contributi'.]

[3] C. I. L. xiii. 6541; O. R. L. pt. 5.

serious and increasing trouble on the Danube frontier from the Dobrudscha westward to the borders of Raetia.[1] To meet it additional camps had been formed on the frontiers of Pannonia and Moesia,[2] and four legions, the 14th and 21st in 89, the 1st adjutrix and 11th Claudia before 101, had been transferred from Upper Germany. Vindonissa was abandoned,[3] and only two legions, the 22nd at Mainz and the 8th at Strassburg, remained on the Upper Rhine. With this necessity for strengthening the Danube frontier we may connect the construction of the roads from Mainz and Strassburg to Cannstatt,[4] whence two routes led to the Danube, one, that now partly followed by the Orient Express, up the Filsthal and over the watershed by Urspring[5] to Faimingen; the other up the Remsthal to Aalen,[6] and so eastward along the northern slope of the Jura to Eining. The former was almost certainly the older route of the two, and seems to have remained in use until about 100 A. D.; the latter must have been at least begun and carried some way under Trajan, for excavations show that both the road and several of the forts guarding it were already in existence when Hadrian carried his palisade in front of them. It is to this direct

[1] Tac. Agric. 41 'tot exercitus in Moesia Daciaque . . . et Pannonia . . . amissi'. Cf. Hist. 1. 2 'coortae in nos Sarmatarum ac Sueborum gentes'.

[2] Vespasian enlarged the camp at Carnuntum. The camps at Vindobona, Ratiaria, and Oescus were apparently established under the Flavian emperors.

[3] C. I. L. xiii. 2, p. 37.

[4] Fabricius, Baden, pp. 41 sqq. Cannstatt was clearly an important station. The stone fort is one of the larger ones (217 × 178 m.), [with an earlier earthen fort beneath it: the occupation seems to date from Domitian]. That it was a road centre is implied by the dedication 'biviis triviis quadriviis' (C. I. L. xiii. 6437) and the presence of transport officers, 'beneficiarii' (ibid. 6442).

[5] Apparently the fort here dates from Domitian, and it seems to have been abandoned soon after 150 A. D. See O. R. L. pt. 24.

[6] The fort at Aalen, a large one (288 m. × 214 m.), was probably built early in the second century. It commands not only the route westward down the Rems valley, but routes northward down the Kocher to the Neckar, and southward up the Kocher and then down the Brenz to the Danube. See O. R. L. pt. 23.

through communication with the Danube that Aurelius Victor evidently refers when he states that Trajan made a road from the Black Sea to Gaul.[1] The date of the section along the middle Danube is fixed to the year 100–1 by the famous inscription cut in the rock near Orsova.[2] Lastly, with the removal of the legion from Vindonissa and the increasing security of the Black Forest district we may connect the abandonment of Vespasian's forts at Rottweil, Waldmössingen, and Sulz.[3]

In Germany beyond the Rhine, as elsewhere, the principate of Hadrian left indelible marks.[4] Renouncing all thoughts of aggression, he turned to the more prosaic task of perfecting the frontier defences of the empire. But the methods which he employed certainly involved in some cases, and notably in the one before us, the adoption of a rather mechanical system, and of a dangerous dispersion of the imperial forces in small bodies along the frontier lines. The result was seen in the third century, when it became necessary to support these scattered and immobile frontier garrisons by a mobile field army, a task finally accomplished by Diocletian and Constantine. In the Taunus district Domitian's plan of small outposts resting on larger base forts in the rear was given up. The small earth forts on the frontier line were replaced by stone ones,[5] capable of accommodating an entire cohort; and the wooden watch-towers by towers of stone.[6] At the same time the old base forts Heddernheim, Okarben, and Friedberg were depleted of troops and survived, if at all, only as civil settlements. Another change followed; for the success of Hadrian's system

[1] Aur. Victor, De Caes. 13 'iter conditum per feras gentes quo facile abusque Pontico mari in Galliam permeatur'.

[2] C. I. L. iii. Suppl. 8267 'Montibus excisis anco[ni]bus sublatis via[m] f(ecit)'.

[3] O. R. L. pts. 6 and 8.

[4] Hadrian visited Germany in 121 A. D.

[5] Arch. Anz. 1902.

[6] The stone towers are clearly older than the earthen barrier, behind which they stand at varying distances (7 yds. to 33 yds.), Limes-Blatt, p. 721. They are on an average about 5 yds. square.

it was clearly essential to have the most direct communication between the new frontier forts, which had to depend on each other and not on any base forts for assistance. It was probably on this account that for the old frontier line traced by Domitian, with its curves and windings, was substituted, wherever feasible, a new line, running as straight as possible from point to point,[1] a tendency which under Hadrian's successor produced the mathematically rigid frontier line from Walldürn to Welzheim.[2]

Of greater interest is the unexpected verification of the well-known statement made by Hadrian's biographer, Spartianus, 'that where the barbarians were divided from the empire, not by rivers, but by "limites" [i. e. frontier roads], he barred them out by great stakes planted deep in the ground and joined together so as to form a wall-like hedge.'[3] The researches of the Limeskommission have placed it beyond doubt not only that a palisade was erected along those sections of the frontier, where neither the Neckar nor the Main formed the boundary, but that Spartianus's description of it is extraordinarily accurate. The ditch in which the stakes were implanted, and the remains of the stakes themselves, were first identified by District Commissioner W. Kohl on the Raetian section, near Gunzenhausen, in 1894.[4] Since

[1] The evidence is summed up in Arch. Anz. 1896, p. 177. The stone towers seem clearly to belong to the new line, the wooden ones to the old. The interval between the old and new line is in some places as much as 700 m. (ibid. 1900, ii. p. 82), and the former is often traceable only by the positions of the wooden towers. No certain traces of such towers have been found either on the new line in the Taunus and Wetterau, or on Pius's new frontier from Walldürn to Haghof (Arch. Anz. 1900, ii. p. 93).

[2] Fabricius, W. D. Z. 1901, p. 185.

[3] Vit. Hadriani, 12 'in plurimis locis in quibus barbari non fluminibus sed limitibus dividuntur, stipitibus magnis in modum muralis saepis funditus iactis atque conexis barbaros separavit'.

[4] Limes-Blatt, pp. 302, 483 sqq. The palisade was a very substantial obstacle. It stood nine feet high. For the upright stakes, as Spartianus calls them, the trunks of oak trees have been split in two, and set up with the flat face towards the 'outland'. Their average thickness is 23–9 cm. and breadth

then the palisade ditch[1] and traces of the palisade have been found along the Odenwald[2] line, from the Neckar to the Main, and from Gross-Krotzenburg on the Main round the Taunus to the Rhine.[3] The palisade is demonstrably later than the earth forts of Domitian, through some of which it passes, and older than the so-called 'limes' itself, which in Raetia at any rate occasionally crosses and recrosses the line of the palisade. These facts, taken together with Spartianus's statement, justify us in assigning this elaborate mechanical barrier to Hadrian. It is nevertheless inconceivable that the palisade was ever intended as an effective defence in time of war. Its erection implies a comparatively peaceful and settled state of affairs, when the dangers to be guarded against on the frontier were those of smuggling or of petty raids. From this point of view India furnishes us with an interesting analogy. The following account has been kindly supplied to me of the 'Customs Hedge' in India[4]: 'For the purpose of realizing the duty on salt produced in Native States and in British districts subject to a lower rate of duty, when imported into Upper India, a customs line was commenced in 1843. In 1870 it stretched across the whole of India, from a point north of Attock, on the Indus, to the Mahanadi, on the border of Madras, a distance of 2,500

37–54 cm. They were, as Spartianus says, 'funditus iacti' in a ditch 4½ feet deep, and 'conexi' (bound together) on the inside by strong cross beams.

[1] The theory that this ditch merely represented the original line of demarcation drawn by the surveyors, and then filled in, has now been abandoned. See Kohl, Limes-Blatt, p. 487.

[2] Along the Odenwald line the palisade runs in front of the line of forts at an average distance of about 30 yards. Ibid. p. 465.

[3] In this section the later 'barrier', the 'Pfahlgraben', runs as a rule in front of the forts, but behind the palisade (see O. R. L. pt. 20, 'Gross-Krotzenburg,' p. 3), which it may have been intended to supplement, not to supersede (Limes-Blatt, p. 720). For an exception to this rule see Arch. Anz. 1893, p. 3. For an earlier view see ibid. 1899, p. 78, but Hettner (ibid. p. 79) regards the palisade as 'allezeit ein unentbehrlicher Theil d. Grenzwehr'.

[4] [See also p. 323.]

miles. It consisted of an impenetrable hedge of thorny bushes and trees, supplemented in places by a stone wall or a ditch and earth mound. It was guarded and patrolled, night and day, by a force of 14,000 officers and men.' Hadrian's palisade must also have been intended mainly to ensure the control of all traffic crossing the frontier. Of the regulations imposed on such traffic we get some idea from ancient writers.[1] Persons coming from outside could only cross at certain points, usually guarded by a fort or watch-tower. No one might cross carrying arms, and duties were levied on imported goods. At the points of ingress markets seem to have been frequently established, the place and time being no doubt fixed, as they were in the second century on the Danube, by the Roman government.[2] It is at least possible that the markets known to have existed in the early Middle Ages at various points on the frontier may go back to Roman times.[3]

Antoninus Pius was, like Hadrian, a constructor of barriers both in Britain and in Transrenane Germany; and between the building of his barrier from Clyde to Forth and his work in Germany the evidence suggests an interesting connexion. During his principate we meet for the first time with detachments of Brittones in the Odenwald and along the line of the Middle Neckar from Neckarburken to Benningen.[4] These detachments, or 'numeri', a somewhat new type[5] of auxiliary troops, are recorded as building the stone towers which on the Odenwald line now replaced the older wooden ones,[6]

[1] Tac. (Germ. 41) speaking of the exceptional privileges granted to the Hermunduri: 'non in ripa commercium sed penitus . . . passim sine custode transeunt.'

[2] Dio 73. 2. The Germans were to meet only once a month, at a fixed place and under the supervision of a Roman centurion.

[3] e. g. at Marköbel, O. R. L. 3, p. 16; Arnsburg, ibid. 17, p. 18.

[4] Fabricius, Baden, pp. 78–82. [5] Mommsen, Hermes, 19. 219.

[6] Now also, if not earlier, the small earth forts on the Odenwald were replaced by stone ones, which, however, are also small forts with only three gates. Limes-Blatt, p. 772. The inscriptions give the dates 145 and 146 A. D.

and also small stone forts near the larger cohort forts on the Neckar.[1] They are distinguished by local names, Triputienses, Elantienses, Murrenses, Grinarionenses (?), indicating the district in which they were originally raised, which was, no doubt, usually at first that in which they were stationed.[2] Of these facts Dr. Fabricius gives an explanation which is singularly attractive.[3] He supposes that Antoninus, in regular Roman fashion, evicted large numbers of Britons from the territory between his new barrier and the older one erected by Hadrian further south between Tyne and Solway. These Britons he transplanted to Germany beyond the Rhine, and settled them as 'coloni' on the crown domains along the Neckar, and probably also on those beyond the frontier. Among the conditions imposed would naturally be that of assisting in the defence of the frontier.[4] For this purpose recruits were levied from among these settlers, e.g. in the valleys of the Elz and the Mürr, formed into 'numeri' on the new plan, and used to supplement the regular 'cohortes' and 'alae'. But this settlement of Brittones in the 'saltus translimitaneos' had a further result. Inscriptions show that these British detachments were already in Germany in 145 A.D.[5] A dedication to Pius at Jagsthausen[6] indicates that before his death, in 161 A. D., a new and

[1] e. g. near the fort of cohors III Aquitanorum at Neckarburken (131 × 158 m.) was a small fort (79 m. × 79 m.) garrisoned by a 'numerus Brittonum Elantiensium'. O. R. L. pt. 9. See below, p. 204, note 5.

[2] The 'Brittones Triputienses' are found along the Odenwald line, C. I. L. xiii. 6502, 6511; the Elantienses (? from the river Elz) near Neckarburken, ibid. xiii. 6490, 6498; the Murrenses (from the river Murr) near Benningen, ibid. xiii. 6471, cf. 'Vicani Murrenses', 6454. For Gr(inarionenses) (Köngen) and L(inenses) (? Lein), see Limes-Blatt, p. 824, [C. I. L. xiii. 2, p. 265, Haug-Sixt, Inschr. Württ. 497].

[3] Fabricius, Baden, p. 80.

[4] 'Ad tutelam limitis'; cf. the inscr. Archäol.-epig. Mittheil. xvii. p. 109.

[5] C. I. L. xiii. 6514 etc., all on the Odenwald line.

[6] Ibid. xiii. 6561. [Some writers ascribe the advance of the frontier to Hadrian. The view of Fabricius, taken in the text, seems on our present evidence the more probable. See Bericht über die röm.-germ. Forschung, 1906–7, pp. 169–174 and 179.]

advanced frontier line had been drawn, running from Miltenberg to Welzheim. Dr. Fabricius suggests that one motive at any rate for this forward move may have been Pius's desire to protect his new settlers from Britain. Throughout the greater part of its length, from Walldürn to Welzheim, a distance of about forty-eight miles, the new frontier was carried in an absolutely straight line. Seven forts, all but one of the normal cohort size,[1] were built at intervals along it, and in front of them, at distances varying from about 200 yards to a mile, Pius, following in the steps of Hadrian, erected a palisade with stone watch-towers.[2] Finally, the garrisons from the old forts on the Neckar were moved forward to the new ones. The 'ala I Flavia', apparently stationed with the eleventh legion at Vindonissa before Vespasian's advance in 73, then for some time at Rottweil,[3] later probably at Cannstatt, was now transferred to Welzheim.[4] Cohors III Aquitanorum was moved from Neckarburken to Osterburken,[5] cohors I Helvetiorum from Böckingen to Öhringen.[6] The old frontier seems to have been left in charge of the newly formed 'numeri', whose small forts have been found here and there, as at Neckarburken, in the neighbourhood of the deserted cohort stations. If this advance of the frontier was prompted by a desire to protect the British settlers, the precise line which it followed was evidently determined by another consideration. A glance at the map will show that the frontier line is so drawn as to

[1] Walldürn is the exception, being only 96 m. × 84 m.

[2] See the official reports on Osterburken (O. R. L. pt. 2), Öhringen (ibid. pt. 5), Murrhardt (ibid. pt. 1), Welzheim (ibid. p. 21). Whether there were at first wooden towers along this line is still a matter of dispute (Arch. Anz. 1898, p. 5), but that Pius's line consisted of forts, watch-towers, and palisade seems certain (ibid. 1901, ii. p. 83). The towers on this frontier are at intervals of from 250 to 400 m.

[3] Brambach, C. I. R. 1645.

[4] O. R. L. pt. 21. The 'ala I' mentioned on an altar at Welzheim is almost certainly the 'ala I Flavia', which is given as stationed in Upper Germany in the diplomata of 74, 82, 90, and 116. C. I. L. xiii. 6527.

[5] C. I. L. xiii. 6577; O. R. L. pt. 9, p. 22.

[6] C. I. L. xiii. 6542–3.

connect two already existing termini. From the point at which it leaves the Main its objective clearly is the western end of the Raetian frontier, which must therefore have been already carried to the neighbourhood of Lorch. But the history of the Roman advance beyond the Upper Danube is obscure and much needs further investigation. The following suggestions may, however, be made: An early stage of the advance may be indicated by the road up the Filsthal to Urspring and Faimingen, at both of which places earth forts of the Flavian period have been found.[1] To the same period belongs the large Flavian fort at Heidenheim,[2] indicating an advance up the Brenz valley. Before the time of Hadrian several at least of the forts to the north of the Jura must have been built. Aalen[3] replaced Heidenheim as a large fort for a cavalry regiment a thousand strong, and with the occupation of Aalen we must connect the road and forts along the Rems valley to the Neckar.[4] If the river Rems were the frontier here it is easy to understand why no traces of Hadrian's palisade are found west of Aalen. It would have stopped at the point where the river became the boundary. When Pius planted his Britons beyond the Neckar his new frontier line was naturally drawn from near the Rems opposite Lorch to the Main.[5]

The settled peace which Transrenane Germany had en-

[1] For Urspring see Fabricius's report in the Bericht über d. Fortschritte d. röm.-germ. Forschung, 1904, p. 31; for Faimingen, Limes-Blatt, p. 918.

[2] O. R. L. pt. 13. It measures 271 m. × 195 m., is nearly as large as Aalen, and was an important road centre. Arch. Anz. 1896, p. 188.

[3] O. R. L. pt. 23. It was garrisoned by 'ala II Flavia'. For the importance of its position see above, p. 198, note 6.

[4] This route is probably as early as Hadrian. Arch. Anz. 1900, ii. p. 95. Hadrian repaired the road from Rottenburg to Köngen. W. D. Z. 1900, Korr.-Bl. p. 33, C. I. L. xiii. 9084.

[5] Possibly an early (Trajan) frontier line existed from a point north of Lorch to Haghof and thence to Benningen. Arch. Anz. 1900, ii. p. 94. The frontier line from Lorch to Haghof has not the rigid straightness of that from Haghof to Walldürn and is, therefore, probably older. Arch. Anz. 1903, p. 115.

joyed since 90 was rudely broken under Marcus Aurelius by the first of the great storms which swept over the Roman frontier in the latter half of the second and in the third century. The storm centre during the Marcomannic war was on the Middle Danube, but the area of disturbance extended to the Upper Danube and to the frontiers of Transrenane Germany. Both the old and favoured friends of Rome, the Hermunduri,[1] and her ancient foes, the Chatti,[2] joined in the attack, the former possibly resenting the Roman advance across the Jura into their territories. Both were driven back, and the only traces of the invasion discoverable are the efforts made here and there to strengthen the frontier defences. The enlargement of the fort at Pfünz in 183[3] and the building of a new fort at Böhming[4] under Commodus were probably due to the recent troubles on the Raetian frontier. We know also that Marcus placed Raetia under a legate and formed a legionary camp at Regensburg.[5] That the new frontier line of Pius was strengthened is indicated by the enlargement of the fort at Osterburken,[6] and by the moving forward to this line of some at least of the detachments of Brittones from the Neckar.[7] Finally, at Niederbieber, near the Rhine end of the frontier, a large new fort was built, no doubt to check any advance of the Chatti down the Lahn valley.[8] But Marcus and Commodus secured only a temporary respite for the menaced territory. Early in the third century, in August, 213, the Arval Brethren in Rome pray for the safety of Caracalla, who was marching across the Raetian frontier into 'barbaricum' to extirpate the

[1] Vit. Marci, 21, 22. [2] Ibid. 8; Vit. Did. Iul. 1.

[3] O. R. L. pt. 14; C. I. L. iii. Suppl. 11933, a dedication to Commodus by cohort I Breucorum, the garrison of Pfünz.

[4] Limes-Blatt, p. 884 'vexillarii leg. III Italicae vallum fecerunt... item portas cum turribus IIII' (181 A. D.).

[5] Castra Regina. C. I. L. iii. Suppl. 11965 (A.D. 179–80). Leg. III Italica was stationed there. [6] Ibid. xiii. 2, p. 276, and nos. 6578, 6582.

[7] To Welzheim, Öhringen, Walldürn, Miltenberg. See C. I. L. xiii. 2, p. 264. [8] Ibid. xiii. 2, p. 499; Limes-Blatt, p. 890.

enemy.[1] In October they give thanks for his German victory.[2] The enemy in this case were the Alamanni,[3] who now make their first appearance in history. Where Caracalla defeated them is uncertain; our only clue is the statement of Aurelius Victor that it was 'near the Main'.

It is to the time of Severus and Caracalla that the best German authorities assign the building of the great barrier. If so, it was built only some thirty or forty years before the rising flood of barbarism swept over Transrenane Germany in the reign of Gallienus. The Raetian section of the barrier starts from Hienheim, on the Danube, and runs to a point north-west of Lorch, where it joins the Pfahlgraben. It consists of a well-built stone wall, originally at least 8 feet high and $4\frac{1}{2}$ feet thick, strengthened on the inside by buttresses at intervals of from 8 to 17 yards. Over swampy ground it is carried on a platform of piles driven deeply into the earth.[4] It runs as a rule at a considerable distance in front of the forts, which are clearly older, as are the wooden watch-towers and the palisade; for the wall occasionally cuts through the towers and crosses and recrosses the line of the palisade, which in some places has actually been grubbed up to make room for the wall.[5] It is probably later even than the stone towers, some of which stand free of the wall, while in other cases the wall has been welded on to the towers. As regards the earthen bank and ditch which form the barrier from Lorch to a point on the Rhine opposite the mouth of the Vinxtbach, the most interesting fact established is their relation to the palisade. The earthen barrier was erected behind the palisade, and the latter was retained as an

[1] Act. Fr. Arv. (ed. Henzen), p. 81 'per limitem Raetiae ad hostes extirpandos'. [2] Act. Fr. Arv. (ed. Henzen), p. 81.

[3] Vit. Carac. 10; Aur. Vict. De Caes. 21 'Alamannos prope Moenum devicit'.

[4] At Gilsland, in Cumberland, the 'vallum' is carried across a piece of boggy ground 'on a layer, averaging 12 feet wide, of large freestones, cobble, and gravel'. Haverfield, Rep. on Wall of Pius, append. iii. p. 171.

[5] Arch. Anz. 1899, p. 80.

indispensable part of the frontier defences.[1] This fact may explain the apparent omission to render the earth bank and ditch more difficult of passage by any breastwork or hedge on the top of the bank.

The conclusion arrived at after the most careful study is that Caracalla's victory in 213 A.D. and the construction of the barrier only delayed the final catastrophe for a time. Some twenty years later Severus Alexander was summoned to Mainz by a 'German war',[2] and it would seem that the Germans had not only swept over the Transrenane territory, but had crossed the Rhine and were ravaging Gaul. Severus was murdered at Mainz in 235, but his successor, Maximinus the Thracian, the first really barbarian emperor, once more drove back the German hordes to the wilds beyond the barrier, and did something to repair the havoc wrought.[3] The bridge over the Rhine at Mainz was rebuilt and the road along the Main valley repaired.[4] The end, however, was fast approaching. After 235 A.D. throughout Transrenane Germany, except in places such as Wiesbaden, which were protected by their nearness to a legionary camp, the evidences of Roman occupation become fainter and fainter. The accuracy of the anonymous statement that the territory was finally lost under Gallienus is curiously borne out by the epigraphic evidence. No dated inscription yet found is later than 250 A.D. On the line from Miltenberg to Welzheim the latest inscriptions are one at Jagsthausen of 248 A.D.[5] and one at Osterburken of 244–9 A.D.[6] In the Taunus district the latest recorded date at the Saalburg is 235–8 A.D.,[7] at Heddernheim 240 A.D.,[8] at Altenstadt 242,[9] at Niederbieber 246 A.D.[10] Latest of all is an inscription of 250 A.D. at Capersburg.[11]

A few words may be added as to the military force em-

[1] Arch. Anz. 1899, p. 79.

[2] Vit Alex. 59 'Germanorum vastationibus Gallia diripiebatur'.

[3] Vit. Maximini, 10, 11. [4] C. I. L. xiii. 9121.

[5] C. I. L. xiii. 6552. [6] Ibid. 6566. [7] Ibid. 7467.

[8] Ibid. 7352. [9] Ibid. 7424. [10] Ibid. 7754.

[11] Ibid. 7440 [reading doubtful. See generally Ritterling, Bonner Jahrb. 107, p. 118].

ployed in the occupation and defence of this territory; and first of all, as to the legions; after 100 A.D., the permanent legionary garrison consisted of two legions, the 8th Augusta and the 22nd Primigenia, which, as was the case with those in Britain, were stationed at a considerable distance behind the frontier at Strassburg and Mainz. From these head quarters detachments were no doubt frequently sent across the Rhine on various kinds of special duty, e. g. the building of forts or bridges, or baths. The 22nd legion had a large tile factory at Nied, near Höchst, from which tiles were supplied to the frontier forts.[1] Centurions of both legions are found in command of auxiliary regiments or of the 'numeri' raised in the district,[2] and 'beneficiarii' serve on the lines of communication.[3] But it was upon the auxiliaries that the burden of the garrison work fell. Excluding for a moment the Raetian section of the territory, we know the names of thirty-two auxiliary regiments which formed part of the army of Upper Germany between 70 and 250 A.D.[4] The great majority of these were certainly stationed in the Transrenane district, and it is probable that most of the auxiliary garrisons formerly on the left bank of the Rhine were gradually transferred to the new territory beyond the river. The auxiliary 'alae' and 'cohortes' are drawn mainly from the western half of the empire. Gaul supplies nine regiments, Spain four, Raetia three, and Dalmatia two.[5] One

[1] W. D. Z. 1903, p. 137.

[2] A centurion of the 8th legion commanded the 1st Helvetian cohort at Böckingen in 148 A.D., C. I. L. xiii. 6472. A centurion of the 22nd commanded a detachment of the 1st Sequanian cohort in the Odenwald, ibid. 6509. A centurion of the 8th commanded a detachment of Britons and others at Welzheim, ibid. 6526.

[3] On these 'beneficiarii' and their stations see Domaszewski in W. D. Z. 1902, p. 158.

[4] Our chief source of information is, of course, the series of military diplomata for the years 74, 82, 90, 116, and 134. They are printed in C. I. L. iii. and Suppl.

[5] [But only if the territorial titles correspond to the recruiting.]

regiment of archers, probably raised by Vespasian or Titus at the time of the Jewish war, came from Damascus.[1] It is noticeable that only three regiments were levied in the annexed territory, all in the Taunus section,[2] and these were sent to serve elsewhere. Not until the middle of the second century did the sparsely populated Neckar district contribute any soldiers to its defence, and then only in the shape of small detachments of local militia. Such, besides the 'numeri Brittonum',[3] were the detachment of scouts 'exploratores' raised among the Triboci and Boii near Benningen,[4] or the 'numerus N(idensium)' at Capersburg, whose name may be derived from the river Nidda,[5] and the 'numerus Aurelianensis', clearly belonging to 'vicus Aurelius' (Öhringen).[6] An inscription at Walldürn[7] indicates another source from which, here as elsewhere, Rome drew recruits in increasing numbers as time went on. These are (1) 'gentiles', that is, members of a tribe or people outside the empire, who had been settled on lands within it, and were liable to assist in frontier defence, and (2) 'dediticii', captives taken in war, or refugees from across the frontier.

The stationary character of this frontier force is clearly marked. The eighth and twenty-second legions remained at Strassburg and Mainz for at least two centuries; of the seven 'alae' known to have belonged at one time or another to the army of Upper Germany only one has left traces of its presence beyond the Rhine, and this ('ala I Flavia gemina') was in the district from 74 A.D. to the end of the second century at least. Of the twenty-five 'cohortes' eight were

[1] Cohors I Flavia Damascenorum sagittariorum.

[2] Cohortes I and II Mattiacorum, and the cohors Usiporum; see above, p. 193.

[3] See above, p. 203.

[4] C. I. L. xiii. 6448.

[5] Limes-Blatt, p. 762, C. I. L. xiii. 7441. 'Nida' was also the ancient name of Heddernheim, Fabricius, Baden, p. 64, [W. D. Z. Korr. Blatt xxii. 150.]

[6] C. I. L. xi. 3104. Under the head of the local militia should perhaps be included the 'iuventus' at Sumelocenna, 6468, and Öhringen, 6549, and also the 'hastiferi sive pastores' at Kastel, 7317; comp. Hermes, 22. 557.

[7] C. I. L. xiii. 6592.

there continuously from 70 A.D. and five from 82 or 90. Those that are known to have left were all transferred, as might be expected, between 82 and 133 to strengthen the much threatened Danube frontier.[1] The little that can be made out as to the movements of the auxiliary regiments within the district is not without interest. The transference of the regiments which garrisoned the forts on the Neckar to the advanced forts built by Pius has been already mentioned. But there are also indications that as certain portions of the area became settled and peaceful their garrisons were moved elsewhere, and especially to the frontier forts erected by Hadrian in the Taunus section. Thus the first Thracian cohort seems to have been transferred from Offenburg to Benndorf,[2] the 1st Aquitanian cohort from Rottweil to Langenhaim,[3] the 7th Raetian cohort from Windisch to Niederberg,[4] the 1st Augusta Cyrenaica from Neuenheim to Butzbach.[5] It may, lastly, be noted that the large fort at Niederbieber, which was not built until after the Marcomannic war, seems to have been garrisoned not by an auxiliary regiment of the old type but by two 'numeri'.[6]

[1] Three were moved to Raetia, five to Pannonia and Moesia; one cavalry regiment, the 'ala Picentiana', was transferred to Britain after 82 A.D., possibly in connexion with Agricola's campaigns.

[2] And thence to Pannonia between 116 and 133. Limes-Blatt, p. 579.

[3] Tiles of the cohort have been found at Rottweil. It was at Langenhain in the time of Commodus. C. I. L. xiii. 7436, [Limes-Blatt, p. 515; Haug, Fundberichte aus Schwaben, xv. 71].

[4] C. I. L. xiii. 7735.

[5] Ibid. xiii. 6407, 7432.

[6] C. I. L. xiii. p. 499.

List of the principal abbreviations used in the notes.

Arch. Anz. . .	Archäologischer Anzeiger.
Beitr. z. alt. Gesch. .	Beiträge zur alten Geschichte (Klio), ed. Lehmann-Haupt, 1902 foll.
C. I. L. . . .	Corpus Inscriptionum Latinarum.
C. I. R. . . .	Corpus Inscriptionum Rhenanarum, Brambach, 1867.
O. R. L. . . .	Der ober-germanisch-rätische Limes (Heidelberg, 1894 foll.).
W. D. Z. . . .	Westdeutsche Zeitschrift für Geschichte und Kunst (Trier, 1882 foll.) with Korrespondenz-Blatt.

X

ARRIAN AS LEGATE OF CAPPADOCIA[1]

THAT Arrian, the historian of Alexander the Great and the disciple of Epictetus, was also for a time governor of the important frontier province of Cappadocia is a fact which, though long known as well established, has received much less attention than it deserves. Yet it is remarkable enough that a Greek philosopher and man of letters should have been entrusted by a Roman emperor with a first-rate military command. It was, indeed, no uncommon thing, in the second century A.D., for Greeks to find admission into the Roman senate, and to be decorated with a consulship. More rarely a distinguished Greek was given some administrative post in a peaceful province, such as Asia.[2] But I know of no other instance, before the third century, in which the command of Roman legions and the defence of a Roman frontier were placed in Greek hands. And the significance of Arrian's appointment becomes greater when it is remembered that it was the doing of Hadrian, the emperor who, though by temperament and policy a lover of Greeks, was of all the Caesars the most solicitous for the efficiency both of the imperial army and of the frontier defences.

The interest attaching to Arrian's legateship does not, however, stop here. What we know of Roman frontier life and of the duties and difficulties of Roman frontier officers is mainly derived from the monuments, for it is a subject on which the literature is provokingly silent. Unless startled into attention by some serious reverse or brilliant success the

[1] [English Historical Review, October, 1896, vol xi, pp. 625–40.]

[2] Herodes Atticus was for a time, about A.D. 132–5, 'corrector civitatum liberarum' in the province of Asia.

world of letters knew little and cared less about what was passing in the distant camps and forts where the imperial troops kept constant watch and guard against the outside barbarians. To this prevailing indifference Arrian was naturally an exception, and he has given us from his own pen a unique glimpse of Roman frontier life, and of a Roman frontier force in the first half of the second century of the Christian era, at a period which marked an epoch in the history of the Roman frontier system. Nor is this all; Arrian was not only a trusted officer, but the intimate friend of Hadrian, and in the writings of Arrian the character and policy of Hadrian are reflected almost as clearly as the character and policy of Trajan in the letters of the younger Pliny.

We have no means of knowing how Arrian's appointment to Cappadocia (131 A. D.) was received in official circles, but some explanation of Hadrian's choice is supplied by what is known both of Arrian himself and of Hadrian's policy. The literary materials for a biography of Arrian are somewhat scanty, and have until quite recently been very badly used.[1] They consist chiefly of incidental notices in Arrian's own writings, in those of his friend and protégé Lucian, and in Dio Cassius, and of the meagre summaries of his career supplied by Photius and Suidas. A few additional facts and some important dates are furnished by inscriptions.

It should be noticed in the first place that Arrian, though by descent a Greek, and of a good family at Nicomedia, in Bithynia, where, as he tells us, he was born and bred, was also a Roman citizen, and that not, as is constantly stated, by the grace of Hadrian, but by birth. Both his 'nomen', Flavius, and his 'cognomen', Arrianus, are Roman, and the former proves that the Roman franchise came into his family as the gift, not of Hadrian, but of one of the Flavian emperors. Now Domitian, the last of the Flavii, died in 98 A. D., when Arrian, who did not become legate of Cappadocia

[1] See Pauly-Wissowa, Real-Encyclopädie, vol. ii, art. Arrianus [and Prosopographia, ii, p. 64].

till 131 A.D., and who was still living[1] about 170 A.D., must have been a mere boy in his father's house at Nicomedia. It must therefore have been Arrian's father who received citizenship, possibly from Vespasian. It is, moreover, conceivable that Arrian not only inherited the Roman citizenship, but had Roman blood in his veins. His 'cognomen', Arrianus, certainly suggests the conjecture that his mother was a Roman lady belonging to the 'gens' Arria,[2] a family famous in the annals of Roman Stoicism. Such a connexion may well have influenced Arrian's philosophic views, and would certainly have been of service to him in his official career. In any case no one can read Arrian without being struck by the unusual combination in him of Roman and Greek. With the versatility, grace, and intellectual keenness of the latter he unites a genuinely Roman sobriety and capacity for affairs.

The boyhood and youth of the future legate were passed at Nicomedia. Like his favourite hero, Xenophon, he was already devoted to hunting, to the art of war, and to study,[3] a combination of tastes which no doubt aided him in winning the favour of Hadrian. Of hunting, as practised by himself and his companions, and of a favourite hound, he tells us something in his treatise on hunting, which, though rewritten in later life, seems to have been partly at least composed in his younger days. It is possible, too, that his interest in the adventures and exploits of a famous Mysian brigand, whose history, according to Lucian, he afterwards wrote, may date from this period of his life.[4] From Nicomedia Arrian passed, after the fashion of his day, to complete his education by a course of philosophic study. In going to Nicopolis and to the lecture room of Epictetus he was not improbably influenced by the traditions of his mother's family. His teacher

[1] Corp. Inscr. Attic. iii. 1032, [if the same man].

[2] In older times such a cognomen would have indicated that Arrian was by birth an Arrius, and by adoption a Flavius. But in the first two centuries A.D. the cognomen frequently indicated the family of the mother, e.g. in the case of the emperor Vespasianus.

[3] Arrian, Cyneget. ii.

[4] Lucian, Alexander, ii.

who had seen his sect persecuted, and had lived to see it patronized by the Caesars, was the most prominent representative of a Stoicism in which very little remained of the impracticable arrogance and contumacy of the days of Thrasea, and which aimed only, to quote Arrian's description of Epictetus's discourses, at raising men to better things.[1] How long Arrian remained at Nicopolis it is impossible to say, but long enough certainly to become known as the most devoted and loyal of Epictetus's disciples. It may well have been during this period that he became a familiar figure at Athens, and it was conceivably by the wits of Athens that he was christened the younger Xenophon, a nickname of which he was evidently proud, and which was certainly justified by the strong similarity in tastes and accomplishments which existed between the disciple of Socrates and the disciple of Epictetus.

So far Arrian's career had differed but little from that of other young provincials of good family and fortune. As a Roman citizen, and probably of equestrian rank, he no doubt looked forward to a term of military service, and then to the customary round of municipal duties and honour in his native town. But at some date, which cannot be precisely fixed, an event occurred which altered his whole prospects in life. His introduction to Hadrian probably took place early in that emperor's reign, certainly several years before Arrian's consulship in 130 A. D. It was the beginning of a close friendship between the two men, and Hadrian's favour opened to Arrian a new career. As a Roman knight he might have risen to high place in the household of Caesar as a procurator or prefect. But the ancient magistracies of the state, and the great provincial commands to which they led, were reserved for men of senatorial rank, the 'homines laticlavii' ('the men of the broad stripe'). Senatorial dignity was not Arrian's by right of birth, and he must have received it from Hadrian. He may have been granted the 'ius lati clavi', and thus enabled to offer himself as a candidate for

[1] Dissert. praef. i.

the quaestorship, an office through which the ordinary road lay to a seat in the senate and to the higher 'honores', or he may have been directly admitted to the senate with quaestorian rank ('allectus inter quaestorios'). In either case his promotion was assured and seems to have been rapid, though of his official career up to 130 A. D. no record remains. That he held the praetorship may be taken for granted, and he very probably gained useful experience as a legate of a legion and legate of a praetorian province. He obtained the consulship, as 'consul suffectus', in 130 A. D.,[1] and in 131 A. D.[2] was made legate of the consular province of Cappadocia, a post which he held for at least seven years.

The new legate had unquestionably much in common with his master. Both were enthusiastic sportsmen, and zealous students of military tactics. That Hadrian, in pursuance of his policy of strengthening the defences of the empire, was bent on increasing the efficiency of the frontier troops is well known, and the combination in Arrian of scientific knowledge with practical ability may well have marked him out as a valuable ally in the work. Arrian, moreover, was a student of philosophy, a scholar, and a connoisseur. Hadrian at least aspired to be all three. But, apart from this congeniality in tastes and pursuits, there may have been weightier reasons for Arrian's appointment. Hadrian aimed above all things at the consolidation of the empire. He was consequently opposed not only to ambitious schemes for its expansion, but to the old-established view of the empire as a federation of allied communities under the leadership of Rome. The differences of race and political status which the federal theory helped to keep alive Hadrian did his best to sink in

[1] The date is fixed by stamps on bricks, Borghesi, iv (Œuvres épigraphiques ii) 157. The Dict. of Biogr. wrongly places Arrian's consulship after the Cappadocian legateship.

[2] Arrian was already legate at the time of the death of Cotys II, king of the Cimmerian Bosporus, which took place in 131 A. D. (see Periplus, 17, and Liebenam, Legaten, p. 124).

a sense of common citizenship. It was a policy which has often been called cosmopolitan, but which might more properly be described as imperialist. With such aims before him Hadrian would naturally welcome the chance of promoting to high office a man who was in many ways the ideal citizen of a united empire, a man who was Greek by descent, but born a Roman citizen, and probably with Roman blood in his veins.

In a legate of Cappadocia this mixture of the Greek and the Roman was especially appropriate, and indeed few provinces of the empire demanded a greater variety of qualifications in their governor. For the Cappadocia of 131 A. D. was by no means the Cappadocia which on its annexation in 16 A. D. had been relegated to the care of an imperial procurator. Arrian's province included not only the ancient kingdom of Archelaus, but also the entire district lying between the northern boundary of that kingdom and the Black Sea, and in addition the seaboard eastward from Trapezus to Dioscurias. The area was wide, and the population heterogeneous, comprising as it did the scattered pastoral inhabitants of the Cappadocian uplands, the dwellers in the Greek or half Greek towns of Pontus, and their unruly neighbours the tribes of the hills. Cappadocia, again, in 131 A. D. was a frontier province, with legions and legionary camps, and with a chain of frontier stations garrisoned, as elsewhere, by auxiliary troops. The duty of keeping both camps and garrisons in a high state of efficiency was not the least important of the legate's duties, especially under the rule of Hadrian. But on the Upper Euphrates the care of the frontier required more than the strict discipline and constant vigilance which was, as a rule, sufficient on such frontiers as those of the Rhine or the Danube, where no more serious danger was to be feared than a marauding raid by some restless, half savage tribe. For in this quarter of the empire the frontier question was political as well as military. It was necessary for the legate of Cappadocia to keep a watchful eye

on Rome's great rival, Parthia, to check Parthian intrigue in Armenia, and to take care that none of the smaller potentates beyond the frontier, such as the Iberian king, did anything disrespectful to the majesty of the Roman people, or likely to disturb the Roman peace. Nor was this all. As the chief political officer in the near East he was bound to keep himself and his master informed of the movements of the restless peoples beyond the Caucasus, and even, as the Periplus shows, of the attitude and temper of the tribes and princes bordering the Black Sea. A threatened descent of Alans, or the death of a powerful ruler, such as the king of the Cimmerian Bosporus, was equally an event with which the legate of Cappadocia had to deal. In Arrian's own case both the political and military difficulties of the position had been increased by the unsettling effect produced by Trajan's momentary conquests beyond the Euphrates, and by Hadrian's prompt return to a defensive policy.

Three of Arrian's extant works belong to the period of his legateship—the Periplus of the Euxine Sea, the fragment styled The expedition against the Alans, and the treatise on Tactics. The Periplus, as the reference to the death of King Cotys proves, was written in 131 A.D.—in the first year, that is, of his command. It is a unique specimen of a report made by a Roman frontier officer to his master, the emperor, and ranks with the letters of Pliny to Trajan as a document of the first importance for the history of provincial administration under the Caesars. The Expedition against the Alans describes the composition and marching order of the expeditionary force led by Arrian against the Alans in 135 A.D. on the occasion of their invasion of Armenia when, as Dio tells us, they retired 'through fear of Flavius Arrianus, governor of Cappadocia'.[1] It stands alone as a contemporary account by a Roman commanding officer of a Roman frontier force. The treatise on Tactics was written, as its author states, in the twentieth year of Hadrian's

[1] Dio 69. 15.

reign (137–8 A.D.) and the last year of Arrian's legateship. Its chief value consists in the fact that it is an exposition by one of Hadrian's most trusted officers of the cavalry tactics in use at the time on the frontiers, and of the reforms introduced by Hadrian himself. Outside these three important documents we possess only a few isolated references to Arrian's command. Dio mentions the Alan invasion; a rescript of Hadrian, addressed to Arrian, is quoted in the Digest,[1] and a Pontic inscription records a dedication to Hadrian by the city of Sebastopolis 'during the legateship of Flavius Arrianus'. The date is 137 A.D.[2] We may, lastly, with some confidence assume that Arrian was the governor of Cappadocia who supplied Lucian with an escort when he went to expose the false prophet Alexander,[3] a task which would command Arrian's sympathy both as a Roman official and as a man of letters. Lucian speaks of the governor in question as 'my friend', and nothing is more likely than that the brilliant young provincial, whose native place, Samosata, was on the borders of Arrian's own province, should have sought and won the patronage of a Greek scholar, whom Lucian himself describes characteristically as 'a foremost man among the Romans'.[4]

The process of creating a 'scientific frontier' along the line of the Upper Euphrates seems to have been gradual. As early as the reign of Nero the imperial government had realized that, for the protection of Eastern Asia Minor, no less than for effective action in Armenia, some nearer base of operations than Syria was needed;[5] and the annexation of Pontus and Lesser Armenia towards the close of Nero's reign rendered possible the drawing of a continuous frontier line up to the Black Sea. Vespasian took the important step of permanently stationing a legion on the Upper Euphrates,[6] and the legionary camp at Melitene probably dated from his

[1] Digest, 49. 14. 2. [2] Liebenam, Legaten, p. 124.
[3] Lucian, Alexander, 55. [4] Ibid. 1. [5] Tacitus, Annals, 13. 7.
[6] Suetonius, Vespas. 8; Ioseph. Bell. Iud. 7. 7. 1.

time. The roads which, according to an inscription, were made under Domitian in Cappadocia, Lesser Armenia, and Pontus,[1] presumably included the frontier road from Samosata northwards to Trapezus, along which Hadrian seems to have travelled in 124, and the line of the road was no doubt guarded by military stations. By the time of the accession of Hadrian a second legionary camp had been formed at Satala,[2] and the entire frontier from Samosata to Trapezus, together with the Euxine coast as far as Dioscurias, had been placed under the command of a legate of consular rank. When, therefore, Hadrian visited the frontier some seven years before Arrian's appointment, he must have found the frontier system fairly well developed. He travelled along the frontier northwards to Trapezus, and possibly visited also some of the Black Sea stations. Here, as on other frontiers, he reviewed the frontier force, the 'army of Cappadocia',[3] and inspected the military stations; existing forts were remodelled and new forts constructed.[4] The Periplus, as will be seen, indicates that Hadrian's reforming activity left its mark on the Cappadocian no less than on the German, British, and African frontiers.

Arrian followed in his master's steps, and evidently inaugurated his command by a tour of inspection along the frontier. Of the earlier part of this tour we have no record, for the Periplus begins at the moment when, on nearing Trapezus from the south, he caught sight of the sea from the spot whence 'both that other Xenophon and you' viewed it. The results of the entire tour he embodied in an official report to Hadrian, written, as etiquette required, in Latin. He alludes to it as *τὰ Ῥωμαικὰ γράμματα*.[5] The Periplus itself is part of a supplementary report, and deals primarily with the Black Sea stations from Trapezus to the limits of the Roman empire at Sebastopolis (Dioscurias). It contains, in addition, a summary account of the estuaries and harbours

[1] C. I. L. iii. 312.
[2] See below, p. 227 seq.
[3] Cohen, Médailles, ii, p. 153.
[4] Dio 69. 9.
[5] Periplus, 6.

along the shores of the Black Sea, and especially along the northern coast, such as would give Hadrian the information necessary to enable him to act with vigour should any crisis in these quarters call for Roman intervention. The Periplus was clearly a less formal document than the Latin report. Arrian is writing in his native Greek, and he writes as a friend to a friend, as one man of letters to another, rather than as a legate to his 'imperator'. Consequently together with reports on forts and harbours we get a good deal of lively chat about the weather, the antiquities, the traditions, and the scenery. Arrian is never long-winded or rhetorical; but his Greek discursiveness and keen curiosity temper pleasantly the military brevity of the Roman officer.

The first place noticed by Arrian is the ancient Greek seaport of Trapezus, the emporium and chief town of eastern Pontus. In Pliny's lists [1] it appears as a free town, and that it was still free at the time of Arrian's visit may be inferred from the fact that he makes no reference to the presence of any imperial garrison [2] there, and that the hoplites from Trapezus, who marched with Arrian against the Alans, are classed with the native allies, not with the legions and auxiliaries of the regular army. The importance of Trapezus as a centre for the neighbouring tribes, and as a port where supplies and troops for the frontier could be landed, had evidently been appreciated by Hadrian, for when Arrian visited the place a new harbour was in process of construction by Hadrian's orders; [3] till then, it would seem, there had been only an open roadstead. Another memorial of Hadrian's visit is described by Arrian. On the high ground whence the older Xenophon first caught sight of the sea a statue of Hadrian and altars had been set up. Both were probably connected with the official worship of Caesar. Trapezus still called itself a Greek city, but its Hellenism was clearly

[1] Pliny, Nat. Hist. vi. 11.

[2] At a later period Trapezus was the head quarters of 'Legio I Pontica' (Notit. Dig. Or. 38).

[3] Periplus, 16.

somewhat corrupt, for Arrian comments on the barbarous Greek of the inscriptions on the altars, as well as on the inferior workmanship of the statue.[1] Life in these remote Greek towns was not altogether peaceful even under Roman rule. In the highlands near Trapezus dwelt a Colchian tribe, the Sanni.

'To this day,' writes Arrian, 'they are most warlike, and live at deadly feud with the people of Trapezus. They dwell in strongholds and have no king, and though long tributary to the Romans they are not punctual in paying their tribute, being engaged in robbery and pillage. Now, however, they shall pay regularly, or, with the help of God, we will root them out.'[2]

It would seem, however, that here, as in other parts of the empire, these marauding highlanders maintained their ground, for the description given of them by Procopius[3] differs little from that just quoted.

On leaving Trapezus—not without sacrificing in the temple of Hermes, and offering a prayer for the welfare of his benefactor Hadrian—Arrian started on a cold and stormy voyage along the coast eastward, touching in turn at each of the military stations, which, as on the coasts of Britain, were situated at the mouths of the rivers, and performed the double duty of guarding the river mouth and protecting the trading settlements against attacks from the hill-sides of the interior. The first station visited was at the mouth of the Hyssus. The garrison consisted of infantry, 'as you are aware,' adds Arrian significantly, with twenty mounted spearmen, the latter being apparently intended to assist in foraging for supplies. The infantry were put through their exercises, and even the spearmen were obliged to show that they could use their weapons. It is worth noting, as characteristic of the permanence of the Roman frontier arrangements, that in the Notitia Dignitatum[4] Ysiportus was still garrisoned by a regi-

[1] Periplus, 1.
[2] Ibid. 11.
[3] Procop. De Aedif. iii. 6.
[4] Not. Dig. Or. 38. 34.

ment of infantry, the Cohors Apuleia Civium Romanorum, which may possibly have been the one which Arrian reviewed.[1] Proceeding eastward, Arrian and his staff were detained for two days by stress of weather at a lonely little harbour, with a ruinous fort, which bore, however, the name of Athens. 'We were not permitted,' he remarks, 'to sail past even Athens in Pontus as if it were some deserted and nameless harbour.'

The next station of importance was Apsarus, on a river of the same name. Pliny[2] mentions a fort there, placed 'in faucibus', evidently from its position in a narrow valley. In 131 A.D. Apsarus was a considerable military station, with a garrison of unusual strength. '*The* five cohorts,'—as Arrian calls them, implying that Hadrian knew all about them, as about the infantry at Hyssi portus,—constituted a much larger force than was usual in frontier stations. Possibly the reason is to be found in the close proximity of the important valley of the Acampsis, leading, as it did, for a long distance into the interior. Arrian paid the troops and inspected the fort, examining not only the walls and fosse, but the hospital and granary. The results of his inspection he had, unfortunately for us, already given in the Latin report.

From Apsarus Arrian sailed along the coast to the Phasis. As he entered the mouth of the river he saw on his left hand the colossal statue of the Phasian goddess. She was represented seated on a throne supported by lions, and holding a cymbal in her hands. Clearly here, as at Arrian's own city of Nicomedia, and at a hundred other places in Asia Minor, the 'Great Mother' was the supreme protecting deity. But it was for relics of Jason and his Argonauts that Arrian most eagerly inquired. None, however, was to be found, with the exception of some fragments of a stone anchor which might possibly have belonged to the good ship Argo. An iron anchor was also shown to him, but he rightly assigned it to a much later date than the time of Jason. From antiquarian gossip Arrian passes to matters more directly

[1] See below, p. 230. [2] Pliny, Nat. Hist. vi. 12.

connected with the main object of his journey, and his account of the Roman station on the Phasis is of especial interest. The garrison consisted of 400 'picked soldiers'. These στρατιῶται ἐπίλεκτοι, or 'milites singulares', were a somewhat recent invention, probably dating from Trajan. They were auxiliaries, but differed from the ordinary auxiliary cohort or squadron in being composed of picked men of different nationalities, and possibly selected from different auxiliary corps. A regiment of 'equites singulares' was included in the force which Arrian led against the Alans, but whether the garrison on the Phasis consisted of cavalry or infantry we are not told. The fort is described as occupying a position of great natural strength, and well adapted for the protection of vessels entering the river. It had originally been enclosed in the old way, by an earthen 'vallum', with wooden towers and probably a wooden palisade. But when Arrian visited the place these old-fashioned defences had been replaced by walls and towers of brick, with solid foundations, and carrying a sufficient equipment of military engines. Such reconstruction was probably common enough at the time, and may safely be connected with Hadrian's visit to the Cappadocian frontier in 124 A.D.

No less interesting, as illustrating a characteristic feature of Roman frontier life, is the account which Arrian gives of the civil settlement which was growing up near this, as near most other frontier stations. The evidence furnished by inscriptions and by the actual remains discovered in Germany, Africa, Britain, and elsewhere, has thrown much light on the origin and character of these 'canabae', some of which developed into important towns and obtained the status of 'coloniae' or 'municipia'. Ancient literature, however, says as little about them as about any other institution of Roman frontier life. Arrian's brief notice is, therefore, all the more valuable, and is in complete agreement with our other evidence. The fort on the Phasis was protected by a double fosse. Arrian decided to dig a third, for the better protection

of the settlement, which had planted itself between the fort and the river. This settlement, which he describes as consisting partly of retired soldiers and partly of traders,[1] was probably of comparatively recent date. A more important settlement of the same class was the one near the camp of the 12th legion at Melitene, which it would seem had already attained to the dignity of a municipality.[2]

From the mouth of the Phasis Arrian passed on rapidly to Sebastopolis,[3] with only a brief halt at the mouth of the Chobus. The reason for this halt, and 'what we did there, you will learn', he says, 'from the Latin report'. Sebastopolis, anciently known as Dioscurias, marked the extreme limit of the Roman empire and of Arrian's province in this direction. Commercially it was important as the centre to which the polyglot tribes of the Caucasus came down for purposes of trade. In the time of the elder Pliny the old Greek town had been deserted, but he implies that a considerable business had once been done with the natives by Roman merchants.[4] It was probably to the later settlement that the name Sebastopolis was given, and the fort which Pliny mentions and which Arrian inspected may have been built for its protection. Arrian, however, mentions only the fort, which at the time was clearly a regular military station, with walls and fosse, hospital and granary.[5] The garrison consisted of cavalry, or possibly mounted infantry. In the Notitia the regiment stationed at Sebastopolis was the Cohors I Claudia equitata. From near Sebastopolis Arrian got a view of the higher peaks of the Caucasus, and one peak in particular was pointed out as that to which Prometheus was bound.

[1] Periplus, 9.

[2] Procopius, De Aedif. iii. 5, states that under Trajan Melitene attained to πόλεως ἀξίωμα. He refers not to the camp, but to the civil settlement.

[3] [This Sebastopolis-Dioscurias is distinct from the only Sebastopolis which our ordinary good maps (Kiepert, Anderson, &c.) mark on this coast and which they place (on somewhat small authority, Müller, Ptol. v. 6. 6) at the mouth of the Phasis.]

[4] Pliny, Nat. Hist. vi. 15.

[5] Periplus, 10.

In addition to his brief reports on the military stations along the coast Arrian supplies information, such as a modern Anglo-Indian 'political' would be expected to furnish, as to the native chiefs and tribes inhabiting the neighbouring hill country. The settlement of this *Hinterland* had been, it seems, the work of Trajan and Hadrian, and the majority of the chiefs are described as holding their 'kingships' from one or other of these emperors. But the political interests of Rome and her sphere of influence extended here, as elsewhere, beyond the actual frontiers of her empire round the northern shores of the Black Sea, and it was the duty of the legate of Cappadocia to keep his master duly informed of any important event in these remote regions. Such, for instance, was the death of Cotys, king of the Cimmerian Bosporus, of which Arrian heard while at Sebastopolis.[1] Cotys, like his predecessors, held his crown from the emperor, and his successor would have to be, in his turn, formally recognized by Rome. It is improbable that Hadrian contemplated any change in the old-established relations between the Roman government and this prosperous vassal state; nevertheless Arrian thought it proper to supply Hadrian with such a brief sketch of the northern seaboard of the Euxine as might enable the latter to act with effect if action were considered necessary. The sketch is highly business-like, but its monotony is relieved, after Arrian's manner, with antiquarian digressions, and in one place[2] by a picturesque account of the Island of Achilles, near the mouths of the Danube, with its ancient temple, tended only by countless sea birds, and full of offerings and inscriptions.

The fragment entitled Ἔκταξις κατ' Ἀλανῶν ('The Expedition against the Alans') shows us the legate of Cappadocia engaged, not in the inspection of the frontier forts and garrisons, but in preparing to meet and repel a threatened invasion of his province. The invaders were the Alans from the plains beyond the Caucasus, who once already in the

[1] Periplus, 17. [2] Ibid. 21.

reign of Vespasian had invaded Armenia, and who now, according to Dio, came at the invitation of the Iberian king Pharasmanes.[1] The same historian tells us that the invasion came to nothing. The Parthian king purchased immunity for his own territories by gifts, while their invasion of Armenia was checked by fear of Flavius Arrianus, the legate of Cappadocia. Arrian seems to have promptly advanced to meet the enemy with a considerable force, and it is with the composition of this force, with its order of march, and with the tactics to be employed when face to face with the enemy, that his pamphlet is concerned.

The troops which Arrian led against the Alans belonged to the standing army of Cappadocia, the 'exercitus Cappadocicus', to use the territorial designation which came into fashion under Hadrian. What proportion of the entire army was called out for the expedition is not clear. We learn, however, that of the two available legions one, the 12th, was represented only by a detachment, and the same was the case with some of the auxiliary regiments. The probability is that Arrian, who may be supposed to have been making for northern Armenia, composed his force, as far as possible, of the troops nearest at hand. Hence the presence in full strength of the 15th legion, whose camp at Satala would be a convenient base of operations, while Melitene, the head quarters of the 12th legion, was a long way to the southward. For the same reason, no doubt, the native levies present were those belonging to the northern half of the province, to Lesser Armenia and Pontus. But the strength of the expeditionary force was very considerable. In addition to the 15th legion and a substantial portion of the 12th it included the whole or part of eighteen regiments of auxiliaries. Unless, therefore, the auxiliaries in the Cappadocian army were more numerous than in other frontier armies at the time, very few auxiliary corps can

[1] [Mommsen, Röm. Gesch. 5. 394–6 (ii. 61 foll., Eng. trans.); Täubler, Klio, 9. 14; Dio 69. 15.]

have been entirely unrepresented. The army of Upper Germany, for instance, consisted in 116 A.D. of two legions and nineteen auxiliary regiments, that of Britain in 146 A.D. of three legions and fourteen auxiliary corps.[1] To the legions and auxiliaries must be added the native levies, of whom there were clearly a considerable body. These local troops were not a part of the regular army, but were called out, if necessary, to repel a threatened invasion. They were, with the exception of the hoplites from Trapezus, light troops, and both on the march and when the line of battle was formed, were brigaded with a regiment of regulars.

Returning to the auxiliaries as the most characteristic and interesting element in the expeditionary force, we notice at once the predominance of cavalry over infantry, there being twelve cavalry and only five infantry regiments, a predominance which recurs in the army of Africa, whereas in Germany and Britain the proportion is reversed. Both cavalry and infantry were largely composed of archers, as we should expect to be the case in an army on the eastern frontier; and, indeed, the majority of the auxiliaries belonged to the eastern rather than the western half of the empire. Spain and Gaul were represented by one regiment each, Raetia by two, Dacia by one. On the other hand the African provinces supplied four, and there were also infantry from the Thracian Bosporus and cavalry from Cappadocia, Ituraea, and Arabia Petraea.[2] It is noteworthy that among the officers mentioned are several Greeks. Such were the commander-in-chief himself, Daphnes, of Corinth, commanding the 4th Raetian cohort, Demetrios, commanding a cavalry brigade composed of four regiments, one being the 1st Raetian cohort, and Lamprocles, who commanded the infantry regiment from the Bosporus.

[1] [These estimates are apparently based on two Military Diplomas, C. I. L. iii. pp. 870, 1982. But they do not give conclusive evidence; see C. I. L. iii. p. 2023.]

[2] [But only if the territorial titles correspond to the recruiting areas: p. 209, note 5.]

The army of Cappadocia was not of such old standing as some of the other frontier armies, and its definite organization was probably the work of Trajan and Hadrian. The 12th legion, indeed, had been stationed at Melitene by Vespasian some sixty years before Arrian came out as legate, but it was not before Trajan's time that the 15th was established at Satala. As to the auxiliaries, both the Dacian cavalry and the mounted archers from Arabia Petraea must be subsequent to Trajan's Dacian and eastern campaigns. We know from a Cappadocian inscription[1] that the ala Auriana in Arrian's army bore the title Secunda Ulpia, and was therefore either raised by Trajan or served under him with distinction. The 1st Raetian cohort was certainly on the Danube in 107 A.D.,[2] and probably followed Trajan to the east. On the other hand the evidence of the Notitia[3] proves that not only the legions but some at least of the auxiliaries of the army of Cappadocia remained there as immovably as did the legions and auxiliaries in Britain. The 'dux Armeniae' had altogether twenty-six corps under his command, and among them were several which formed part of Arrian's army. The 12th and 15th legions were still at Melitene and Satala; in addition we find still on the Cappadocian frontier the 4th cohort of Raetians, the ala Auriana, the ala Augusta Colonorum, a cohors Bosporiana, an ala Ulpia Dacorum, an ala II Gallorum, and a cohors Ulpia Petraeorum. Nor is it unlikely, when we remember the permanence of Roman military stations when once the frontier defences had been organized, that the stations assigned to these corps in the Notitia were those which they occupied in the time of Arrian. These stations, with one exception, that assigned to the ala II Gallorum, lay along the frontier line between the two legionary camps

[1] C. I. L. iii, Suppl. 6743, [apparently distinct from the Spanish ala Auriana mentioned by Tacitus, Hist. iii. 5, &c. See Domaszewski, Arch.-epigr. Mitth. viii. 239].

[2] C. I. L. iii, p. 867.

[3] Not. Dig. Or. 38.

at Satala and Melitene, and are given in the Antonine Itinerary as stations on the frontier road which led from Samosata past Melitene and Satala to Trapezus, a road certainly as old as the reign of Hadrian. Two other stations mentioned by Arrian in the Periplus reappear in the Notitia. At Hyssi portus the latter places a 'cohors Apuleia civium Romanorum'. In Arrian's time the garrison consisted of infantry, and in the expeditionary force was a regiment of πεζοὶ Ἀπλανοί, who were brigaded on the march with the native levies from Trapezus, Rizus, and Colchis, and may well, therefore, have come from Hyssi portus. They were commanded by a Roman officer, and when the line of battle was formed they occupied a position on the left wing corresponding to that of the 'Italian cohort' on the right. The other station is Sebastopolis, where the cavalry garrison mentioned by Arrian may possibly have been the 'cohors I Claudia equitata' of the Notitia. The general results of a comparison with the Notitia may be tabulated as follows, italics denoting legionary garrisons:—

1. *Along the Armenian Frontier.*

Stations	Notitia	Arrian
Trapezus	legio I Pontica	
Ziganna	coh. II Valentiana	
Domana	equites sagittarii	
Satala	legio XV Apollinaris	leg. XV.
Suissa	ala I Ulpia Dacorum	ἴλη τῶν Γετῶν
Arauraca	coh. mil. Bosporana	Βοσπορανοὶ πεζοί
Analiba	coh. IV Raetorum	σπεῖρα τετάρτη τῶν Ῥαιτῶν
Sabus	equites sagittarii	
Dascusa	ala Ulpia Auriana	Αὐριανοί
Ciaca	ala I Aug. Colonorum	Κολῶνες
Melitene	leg. XII fulminata	leg. XII.
Metita	coh. III Ulp. mil. Petraeorum	? ἱπποτοξόται Πετραῖοι

2. *Along the Black Sea Coast.*

Hyssi portus	coh. Apuleia Civium Rom.	πεζοὶ Ἀπλανοί?
Sebastopolis	coh. I Claud. equit.	ἱππεῖς

Both the order of march and the line of battle to be adopted in face of the enemy were evidently prescribed with reference to the peculiar tactics of the Alan horsemen and the danger of a sudden attack in a difficult country. The flanks and rear of the column were protected by light cavalry, while in advance of it rode the κατάσκοποι, the 'guides' or 'scouts', a class of auxiliary troops best known under their Latin name of 'exploratores'. The column was formed of three main divisions, corresponding to the three elements of which the force was composed. In the first were the auxiliary cavalry and infantry, with the mounted archers from Arabia Petraea at their head. In the second, forming the centre of the column, were the legions, preceded by two picked cavalry corps, the 'equites singulares' and the 'equites legionarii', and by the artillery of the period. In the third division were the native levies and the baggage train, protected, as has been said, by a cavalry regiment from Dacia. The fighting order was clearly intended, in the first place, to resist the charge of the dreaded light horsemen of the east, and secondly to defeat any attempt on the part of the enemy to outflank the Roman force. On the extreme right and left, but on rising ground, were posted the native levies, mostly archers; in front of them, but at a lower level, Arrian placed some of his heavy auxiliary infantry. The local militia were thus protected against the enemy's charge, while able to shoot freely over the heads of the protecting infantry. In the centre were the legions, drawn up eight deep, and behind them the rest of the auxiliary infantry. In the rear of the whole line were the cavalry. When the enemy attacked they were to be received with a mighty shout, and a discharge of missiles from the whole line. If this fire failed to check the charge of the Alans, which it is assumed would be directed against the centre, then, says this general order, 'let the front ranks of the legions prepare to receive the charge, kneeling, shoulder to shoulder, with locked shields and levelled pikes.' If the charge is thus

repelled, the cavalry are to follow up the retreating enemy, the infantry, after opening their ranks to let the cavalry pass, advancing to support them. At this point Arrian notes and provides for the likelihood that the enemy would rapidly wheel round and endeavour to outflank one of the wings. To meet this manœuvre the wings should be extended as far as possible. Should it, however, succeed, then the cavalry are to wheel round and charge the enemy on the flank, engaging them at close quarters, and using their broadswords and axes with deadly effect upon riders and horses unprotected by defensive armour. Here the fragment ends.

The third of the three of Arrian's extant works belonging to this period of his career has only an indirect bearing on his Cappadocian command. The treatise on Tactics was written, as its author tells us, in the twentieth year of Hadrian's reign (137–8), and it is closely connected with one part of Hadrian's frontier work, his endeavour to render the frontier troops as efficient as possible in the field. In this work Arrian was keenly interested, as a life-long student of tactics. He had written, he tells us, a treatise on infantry tactics for the benefit and probably at the suggestion of the emperor. The existing treatise is a popular exposition of cavalry tactics, with especial reference to the reforms introduced by Hadrian. Throughout Arrian impresses upon his readers the readiness with which the tactics of all the various peoples included within the empire, and of many outside it, had been adopted by Rome, so that the imperial army anticipated that political fusion which Hadrian of all the Caesars was most anxious to bring about. The treatise is, in fact, a good commentary not only on the brief statement of Hadrian's biographer[1] as to his military reforms, but on the fragments of the speech addressed by Hadrian himself to the army of Africa, when just established in their new head quarters at Lambaesis.[2] Of its general drift no better

[1] Vita Hadriani, 10.

[2] C. I. L. viii. 2532.

summary can be given than is furnished by Arrian himself in the closing chapter. 'The king,' as in the Greek fashion he styles Hadrian,

'has obliged his soldiers to practise barbaric movements, both those of the mounted archers of Parthia and the rapid evolutions of Sarmatians and Celts. They have been obliged also to learn the native war cries proper to such movements—those of the Celts, and the Dacians, and the Raeti. They have been trained also to leap their horses across trenches and over ramparts. In a word, in addition to their ancient exercises they have learnt all that has been invented by the king tending to grace or speed, or calculated to strike terror into the enemy, so that the words once applied to ancient Lacedaemon seem to me to apply to this present monarchy which Hadrian now holds for the 20th year, "where the strength of the young flourishes, and the clear-voiced muse, and broad justice, the helper of noble deeds."'

The close of Arrian's legateship preceded his master's death by a year at the most.[1] With his retirement or recall from Cappadocia Arrian's official career seems to have ended, and it is not my business here to follow him in his later literary labours. I hope, however, that I have been able to give some idea of the value of the glimpse which Arrian allows us to get of an eastern frontier province at a critical moment in the history of the imperial frontiers.[2]

[1] Liebenam, Legaten, p. 124.

[2] [For the constituent elements of the 'exercitus Cappadocicus' in the time of Arrian, see an exhaustive article by Dr. Ritterling, Wiener Studien, xxiv (Bormann-Festheft, 1902), 127–40.]

XII

DISCOVERIES AT ROME, 1870-89[1]

In April, 1872, a writer in the Edinburgh Review, taking as his text Mr. Burn's newly published volume on Rome and the Campagna, spoke with cautious hopefulness of the possible results which a thorough excavation of the sacred soil of Rome might be expected to produce. Since then the work of rediscovery has gone ceaselessly forward. The Italian Government and the Roman municipality have vied with each other in their efforts to bring to light the classical Rome with which, rather than with the Rome of the popes, United Italy not unnaturally claims kinship. Their example has been followed, especially in the Campagna, by private persons, such as the brothers Lugari, whose praises Comm. Lanciani sings once more in his latest volume (p. 268). Even the speculative builder has been obliged to dig his oundations under the watchful eye of a government inspector, and to suspend operations until the monuments laid bare by the spades of his workmen have been examined, and their precious contents rescued for the benefit of scholars. Moreover, thanks largely to the skill, energy, and sound judgement of Comm. Lanciani himself, the work has, with very few exceptions, been carried out and its results recorded in a scientific manner, which contrasts most favourably with the haphazard digging and hasty conjectures of former years. No better proof of this could be given than the fact that, although nearly all traces of the important discoveries made on

[1] [Edinburgh Review, 1889, pp. 479–512. The article was headed by the titles of two works, Ancient Rome in the Light of Recent Discoveries, by Rodolfo Lanciani, and Ancient Rome in 1888, by J. Henry Middleton.]

the Esquiline are now buried out of sight beneath new streets and squares, the student can still, by the aid of the careful official reports[1] and the objects in the Roman museums, form an independent judgement on their significance.

The appearance of the two books whose titles stand at the head of this article offers a convenient opportunity for attempting to estimate the advance actually made towards a better knowledge of Rome and its history in the last twenty years. For such a task no man living is better qualified than Comm. Lanciani, whose official position as director of excavations in Rome and the Campagna has given him an unrivalled personal acquaintance and familiarity with every detail of the work accomplished, and from whose innumerable, but always scholarly, reports and dissertations, as well as from such larger books as his 'Commentaries of Frontinus', the history of the rediscovery of ancient Rome must be largely written. We have strong hopes that he will one day write it himself; for the volume before us, while it will serve the purpose of awakening a wider interest in the subject, is little more than a series of sketches, the chief attraction of which for many readers will lie in the striking episodes from his own experience as an excavator, which are scattered through its pages. It was clearly no part of the author's plan to present a scientific record of results. Much is consequently omitted which would otherwise have found a place, while much is inserted which has long been the common property of students. For our purpose the most important chapters are those on the Atrium Vestae, on the Tiber and the Claudian Harbour, and on the Campagna, though it is impossible not to wish that he had enriched the

[1] Bullettino della Commiss. Archeol. Municipale (Comunale), 1874–85; Notizie degli Scavi for the same period. Compare also the articles by Dressel in the Annali of the German Institute, 1879–80, and Helbig, Die Italiker in der Po-Ebene, Leipzig, 1879. [More recent writers differ from this favourable opinion on the reports of the Esquiline excavations. See Jordan and Hülsen, 'Topographie der Stadt Rom', i (3), p. 269, n. 38, and Ashby, Quarterly Review, 1908, p. 165.]

last chapter by a description of the villa of Q. Voconius Pollio and its history, such as he has given elsewhere.[1]

Professor Middleton's book is a new edition of a work which has deservedly won a high reputation as the best of all guides to the existing monuments of Rome. For scholars its distinctive merit lies in the success with which the author has brought his architectural knowledge and experience to bear upon the structural features of the ancient buildings. It is not too much to say that he has done more than any one else to place our knowledge of Roman methods of construction upon a sound basis, and to furnish us with the means of overcoming the difficulty, described in the article in this Journal mentioned above, as 'great and perhaps insurmountable, of assigning each monument, or each part of a monument, to its own proper epoch.'[2] The fact, however, remains that Professor Middleton's book does not, any more than that of Comm. Lanciani, make it easy for even an expert reader to judge how far, and in what respects, the existing level of knowledge as regards Rome and Roman history has altered since the Italian troops entered Rome in 1870. Of a single large and important class of evidence, that supplied by the inscriptions, he has little to say, and we are inclined to suspect that disgust with the changes which have disfigured the peculiar beauty of the city has led him to depreciate rather unduly the new results.

On one point there can be no doubt. The mass of new material brought to light since 1870 is without a parallel in the history of excavation, even in this age of discovery. Exclusive of great historic monuments, such as the Atrium Vestae, the Rostra, and the Servian Agger, and of such historic sites as the area of the Forum, the turning up

[1] [See below, p. 274, and note 2.]

[2] Professor Middleton has recently stated his views on Roman methods of construction in a paper read before the Society of Antiquaries, Archaeologia, li, 1888, pp. 41–60. [A far less favourable view of Mr. Middleton's work and, in particular, of his chapters on the methods of construction, has been taken by recent scholars; see Hülsen, Röm. Mittheilungen, 1893, pp. 265 foll.]

of 'two hundred and seventy million cubic feet'[1] of earth has brought to light inscriptions, coins, pottery, tombs, and private houses, in almost incredible quantities. This rich harvest has been reaped in almost every part, both of the city and of the Campagna; but it is, perhaps, worth noticing that two prophecies diffidently uttered by this Journal in 1872 have been at least partially fulfilled. The masterpieces of art which filled the imperial palaces on the Palatine are still among the lost treasures of the world, and it has been in the course of the 'social and municipal improvements' demanded by the needs of the capital of Italy that some of the most important discoveries have been made, though the field of both improvements and discoveries has been as yet confined, not, as the reviewer expected, to the Campus Martius, but to the deserted slopes of the Esquiline. That while so much has been gained, so little has been lost to history and archaeology, is not less a matter of congratulation, and the fact says volumes for the care and conscientiousness with which the work has been done. With the less favourable side of the picture we are not concerned here. But we heartily echo Comm. Lanciani's protest against the injustice of charging the Italian government or the Roman municipality with the whole responsibility for the changes which have, to quote Professor Middleton, given Rome 'the aspect of a third-rate Parisian suburb'. The worst of these are the work, as Comm. Lanciani truly says, of 'the Roman aristocracy, of our noble landowners, unworthy the great names which, to our misfortune, they have inherited'.[2] Of almost equal importance with the vast amount of material discovered is the rapid advance made in the methods of using it. Every one knows that the art of interpreting correctly the remains of antiquity has made enormous strides in recent years. New and more exact tests have been discovered for determining the relative age of buildings. The comparative study of the accumulated treasures of museums has

[1] Lanciani, Ancient Rome, Preface, p. ix.

[2] Ibid., p. xxv.

made it possible in most cases to assign the contents of tombs to their proper period, to determine their true affinities, and to draw inferences, which are more than conjectural, as to the stage of civilization to which they belong.

To give but a single instance, it may safely be affirmed that five and twenty years ago the necropolis discovered on the Esquiline, of which more will be said hereafter, would have presented an almost insoluble problem to the most learned of antiquaries. Nor must we forget that the work of rediscovery in Rome has been materially assisted by the peculiarity which is so distinctive of Roman history in general—its unbroken continuity. From the time when the earliest graves were dug in the native rock of the Esquiline down to the age of Theodoric, the city has undergone a continuous process of superimposition, and the successive strata thus formed have preserved a unique record of its growth. Even the literary tradition of the monuments of Rome is far more unbroken than, but for recent researches, we should have thought possible. Following on the pilgrim itineraries and guide-books we have the series of 'plans of Rome', the importance of which De Rossi first brought home to scholars,[1] and to these again succeed the invaluable architectural drawings of the 'cinquecento' masters[2] long buried out of sight in the libraries of Florence and Rome, and even far away from their proper home, in the Bodleian at Oxford.[3] Earlier than any of these, and standing alone in their surpassing interest, are the fragmentary marble slabs inscribed with the plan of the city drawn up under the auspices of Septimius Severus and Caracalla, the 'Forma Urbis Romae'.[4]

[1] Piante di Roma, 1879.

[2] Lanciani, p. 24. His dissertation on the Curia, L'Aula e gli Uffici del Senato [below, p. 257, note 4], is an excellent illustration of the value of these drawings for the topographical history of Rome.

[3] See the paper by Professor Middleton on the MS. Notes by Pirro Ligorio, Archaeologia, li, 1888, pp. 489–508.

[4] Jordan, Forma Urbis Romae, Berlin, 1874.

But it is time to pass to the main subject of this article, and to endeavour to place before our readers as clear an estimate as space will permit of the most important results achieved. And here the first place must be given to those discoveries which bear on the long-disputed question of the origin of Rome and the Romans. The novelty and importance of these are fully recognized by both Professor Middleton and Comm. Lanciani, the latter of whom says, truly enough, that 'we have discovered a new archaeological stratum totally unknown before'.[1] But of their precise nature neither gives an adequate account. Nor are the very different conclusions drawn by each of them from what has been found such as we can entirely accept. That the Esquiline hill, and especially that part of it lying outside the 'agger' of Servius, known anciently as the 'Campus Esquilinus', was until the time of Augustus used as a public burying-place, mainly by the lower classes of the population of the city, is a fact familiar to all who know their Horace. We also know that the revolution inaugurated by Maecenas, who overlaid great part of this cemetery with a smiling garden, was gradually completed in the course of the next two centuries, with the result that the Esquiline graveyard, with all its nameless horrors, became the fashionable quarter of Rome, where emperors and nobles built themselves houses and laid out gardens. But recent researches have not only enabled us to trace, in something like detail, this process of transformation, but they have laid bare the older city of tombs, which the villas and pleasure-grounds of imperial times concealed from view, and made it possible to realize with some approach to accuracy the nature, extent, and antiquity of this unique Roman necropolis.

The area covered by what is really a series of cemeteries extends in its widest sense beyond the limits of the Esquiline hill over the northern parts of the Viminal and

[1] Lanciani, Preface, p. xi.

Quirinal.[1] But the district which has been the scene of the most important discoveries stretches, roughly speaking, from S. Maria Maggiore in a south-easterly direction to the end of the Via S. Croce, and northward from the church of S. Martino and the baths of Titus to the Viale Principessa Margherita and the railway. The central portion is that now covered by the Piazza Vittorio Emmanuele. This district is crossed in an oblique direction by the Servian agger, which divides it into two parts of very unequal size, by far the larger portion lying outside the line of the agger. The excavations made within these limits in connexion with the construction of the new quarter of the city have revealed the existence of at least three distinct strata of tombs, belonging to as many different periods.[2] Fortunately for the interests of historical and archaeological study, the reverence felt in antiquity for the sanctity of graves was strong enough to protect the older and lower sepulchres from destruction or violation when later ones were superimposed upon them. As a consequence most of the tombs have remained intact, and their contents undisturbed. A careful study of the latter, and of the structure of the tombs themselves, proves beyond doubt that the remains of this necropolis supply material for a continuous record of the advance of Roman civilization from the days of the first settlements on the seven hills down at least to the Christian era; and the evidence they give, if often difficult to interpret correctly, is indubitably genuine and authentic.

The uppermost and most recent stratum contains chiefly tombs of well-to-do Romans, or 'columbaria' appropriated to the use of the freedmen of noble families—such as that of the

[1] Archaic tombs have been discovered near S. Maria della Vittoria, and the Villa Spithoever on the Quirinal as well as on the Viminal.

[2] For trustworthy accounts of these excavations the reader must consult the Bullettino della Commiss. Archeolog. Municipale and the Notizie degli Scavi for 1874–88; and especially the articles by Lanciani in the Bullettino for 1874, p. 49; 1875, p. 41; and by M. de Rossi in the issues of the same journal for 1878 and 1885. [See above, p. 235, note.]

Statilii discovered in 1875.[1] They belong, as we should expect, for the most part to the period of the Early Empire, since it was not, it would seem, until towards the close of the republican era that the Esquiline was a burial-place for any but the lower classes. It is possible that both the family tombs and the 'columbaria' were erected within the limits of their private property by wealthy owners, as the Esquiline gradually became the favourite quarter of fashionable Roman society. Below this stratum lies that which only too graphically represents the incredibly barbarous arrangements of the Esquiline cemetery in republican times. In it were actually found the open common graves of Horace, the 'puticuli' of Varro[2]—rectangular pits, averaging twelve feet square and thirty deep in size, and lined with neatly squared blocks of 'lapis Gabinus'. Of these Comm. Lanciani himself has brought to light and examined about seventy-five. 'In many cases,' he tells us,[3] 'the contents of each vault were reduced to a uniform mass of black, viscid, pestilent, unctuous matter. In a few cases the bones could in a measure be singled out and identified. The reader will hardly believe me when I say that men and beasts' bodies and carcases, and any kind of unmentionable refuse of the town, were heaped up in these dens.' In the same stratum with these horrible 'puticuli' have been found isolated sepulchral chambers appropriated to the use of one or another of the old 'collegia' or artisan guilds, bodies which were primarily, though not exclusively, burial clubs. One of these, that belonging to the ancient guild of the 'flute players', has been carefully described by Comm. Lanciani in the Bullettino of the municipality for the year 1875. No tombs belonging to the higher classes have, we believe, been found in this stratum. The objects found in the 'puticuli' and in the separate graves have been examined

[1] Lanciani, Ancient Rome, p. 130.

[2] Hor. Sat. 1. 8. 16; Varro, De Ling. Lat. 5. 25.

[3] Ancient Rome, p. 64, and in the Bullettino Comm., 1875, p. 41.

by Prof. Dressel[1] with a view to determining the date of this part of the Esquiline cemetery. He has selected as typical the miniature altars with reliefs—the work, he considers, of Etruscan craftsmen, but made in Rome—the inscribed lamps and the enamelled vases; and the conclusion at which he arrives is that this second, or republican, stratum represents a period roughly coincident with the second and third centuries B.C.

Lower still, under the very floors of the 'puticuli', accident revealed a fresh layer of tombs[2]—genuinely archaic in character, and resting on, or rather dug in, the native rock. It is this lowest and oldest stratum which has justly aroused the keenest interest.

Both in the form and structure of the tombs and in the nature of their contents there are obvious points of resemblance between this prehistoric necropolis on the Esquiline and others discovered elsewhere in Italy. In the Emilia, at Corneto, and on the slopes of Palazzuolo and Castel Gandolfo,[3] enough has been found to furnish at least the outlines of a prehistoric civilization once diffused over great part of the peninsula, the main features of which are common to the cemeteries of North Italy, Southern Etruria, and the Latin Campagna. It is a civilization belonging, generally speaking, to the age of bronze, though occasionally reaching backwards to the stone age and forwards to that of iron. Nor does any break, such as that which separates the civili-

[1] Annali d. Instituto, 1879, 1880, 1882. Monumenti, vol. xi (Tav. x. xa. xxxvii). Middleton, on p. 43, refers to these articles by Dressel, but does not add that they have no reference to the strictly prehistoric part of the necropolis. The 'aryballoi' referred to on the same page are found in the tombs of what may be called the 'republican stratum', not in those of earlier periods.

[2] The circumstances are described by Lanciani in the Bullettino Comm., 1874.

[3] See especially Helbig, Die Italiker in der Po-Ebene, and his article in the Annali for 1884, Sopra la provenienza degli Etruschi, on which two monographs, and on M. de Rossi's articles in the Bullettino Comm. for 1878 and 1885, much of what follows in the text is based.

zation of Mycenae, Tiryns, and Orchomenos from that of historic Greece, divide this early Italic civilization from the later.[1] Of an advanced and largely foreign civilization swept away by an inroad of barbarism there are only very slight traces in Italy. The impression so far left by the evidence is that of a process of gradual development, advancing indeed more rapidly in some districts—e.g. in Etruria—than in others, and subject to an increasing extent, as time went on, to foreign influence, but still unusually continuous.

The earliest stage of this 'Italic' civilization—to give it provisionally a name which does not tie us, like Etruscan, Umbrian, or Ligurian, to any premature theory of its ethnical descent, or, like Pelasgic, explain the obscure by the more obscure—is most fully represented, as yet, in the pile-villages ('palafitte', 'Pfahldörfer') of Northern Italy, in the older part of the Alban necropolis, and very rarely in the most primitive pit-tombs of Etruria. Its distinctive features are the absence of iron, the extreme simplicity of the bronze implements, the use of bone and horn, and the presence of extremely rude, hand-made, sun-dried pottery. The dwellings of this age were the conical huts, whose shape and structure can still be studied in the famous 'hut-urns' of the Alban cemeteries, and of which the tradition was preserved in historic times by the 'Casa Romuli' on the Palatine, and by the circular form of the Aedes Vestae.[2] The huts were clustered together in compact settlements, fenced round with earthen ramparts and wooden stockades. On this stage follows a second represented by the later portions of the Alban necropolis, the cemetery of Villanova, near Bologna, the majority of the pit-tombs, and of the 'tombe a fossa' in South Etruria.[3] Iron is found, though

[1] [This would now be stated much less positively.]

[2] For the hut-urns see Helbig, Die Italiker, pp. 50 sqq. Traces of actual huts of a similar type have been found in the Terremare of North Italy, ibid. p. 48.

[3] [More recent chronology would assign Villanova perhaps to the ninth or tenth century and the Roman remains, at least of the Forum necropolis, to the sixth to eighth centuries.]

not commonly; bronze is freely used, and occasionally supersedes earthenware as the material for bowls and vases. Above all, traces of foreign influence, Phoenician and Greek, begin to show themselves, by the presence of objects clearly imported from without, and a little later by the evident attempts of native craftsmen to copy foreign models. In this stage also the more rapid advance of Etruria proper, as compared both with the Etruscan settlements in the valley of the Po and with those of the Latin lowlands, becomes clear.[1]

We now turn to the tombs on the Esquiline. Of the general affinity of these and of their contents with those of the necropolis already mentioned there can be no doubt, as a glance at the objects figured either in Monumenti of the German Institute, vol. xi, or in Helbig's Italiker in der Po-Ebene, will show. But of the earliest stage the remains are scanty, though we may possibly assign to this period the very primitive tombs discovered in 1883, of which a full description is given in the Notizie degli Scavi for that year. They closely resemble in structure the oldest pit and foss tombs of Corneto in South Etruria.[2] On the other hand, not only is the Esquiline rich in specimens of the next succeeding stage, but it carries on the record of advancing civilization well into historic times; while the profusion of objects found, the position of the tombs, and their relation to the great Servian agger, make it possible to arrive at some rough estimate of their place in chronology. The first settlers on the Esquiline hill, who dug their rude tombs in the native rock, possessed a civilization clearly akin to that which we have called Italic, but in nearly all cases already under

[1] As shown by the importation of Etruscan wares into Latium, and the reproduction of Etruscan models by Latin workmen.

[2] These are the 'primitive cist-tombs' noticed by Middleton, p. 42, though only some of them answer to this description. Others resemble exactly the 'pit-tombs' of Corneto—mere shafts sunk in the rock, in which the cinerary urn was deposited—or the most ancient form of the 'tombe a fossa', a small rectangular foss sometimes lined rudely with stones, and in which a stone coffin was deposited.

influences from outside Latium. In the great majority of the oldest tombs we find side by side with the rude pottery, christened by Italian scholars 'vasi laziali', and with simple bronze ornaments, articles of a different character, primitive 'bucchero' ware from their more advanced neighbours in Etruria, and specimens of the vases, ornamented with stripes, and occasionally with rudely drawn animal figures, variously known as Italo-Greek, or Chalcidic. In some of these tombs a slight step in advance is marked by the presence of pottery, Etruscan or Chalcidic in style, but of local manufacture. Of great interest, moreover, is the fact that many of these tombs are not only dug in the native rock, but are demonstrably older than the Servian agger.[1] They may be taken, therefore, as representing the period when Rome was still only a cluster of separate village communities, when, as shown by the simple 'bucchero' ware, the art of Etruria was just beginning to assume its distinctive character, and when, to the Greek and Phoenician traders who visited the western coasts of Italy, no marked external difference was discernible between the lowland populations north and south of the Tiber,—a period which the traces of Greek commerce forbid us to place earlier than the commencement of the eighth century B.C.[2] The stages which follow, and which are contemporary with or later than the Servian wall,[3] are sparingly represented in the Alban necropolis, the records of which stop short at the period last described, while the Etruscan tombs of presumably the same date follow an increasingly divergent line of development. On the Esquiline, however, there is no break in the continuity, but only a

[1] Bullettino Comm., 1878; Annali d. Inst., 1885, p. 295.

[2] Helbig, Annali, 1884, p. 136 'Per questa rassomiglianza della primitiva civiltà etrusca ed italica, si spiega finalmente anche il fatto che gli autori greci più antichi non sanno distinguere i due popoli tra loro ... Si presentano ... le medesime forme ed i medesimi colori'.

[3] [It is now more usual to assign the Servian wall to the fourth century B.C. See Jordan and Hülsen, Topogr. der Stadt Rom, i (3), pp. 254 foll., Ashby, Class. Review, 1908, p. 157; Richter, Topogr. (ed. 2, 1901), pp. 40–3.]

gradual advance. The structure of the tomb becomes more elaborate, the articles of local manufacture betray increased skill and a wider knowledge in their makers; while those which have been imported are at once more numerous and more elaborate. We get the more advanced types of 'bucchero' ware—polished vases with reliefs, the manufacture of which in Etruria itself Helbig dates from about 650 B.C.,[1] 'Corinthian' vases and figurines. Marks also are found on the pottery resembling the mason's marks on the Servian wall.

Without tracing this continuous record further to the historical period of the 'puticuli' and the sepulchral chambers, enough has been said to show its importance. We must briefly indicate its bearing on the difficult problem of the beginnings of Rome. It is evident, in the first place, that it gives no colour to Professor Middleton's theory of 'the existence, at a very remote period, of a great city of the Rasena, highly advanced in culture and technical skill in all the minor arts of life—a serious blow', as he goes on to say, 'to the long-established tradition of the early supremacy of the Latin race in the city of the seven hills'.[2] But the city—if it was a city at all, and not a mere group of villages—to whose existence the prehistoric portion of the Esquiline bears witness, was neither great nor Etruscan, nor is there any sufficient reason for throwing it back to a really remote period, as archaeological and even historical periods go. There are, of course, abundant traces in the Esquiline tombs of intercourse with Etruria, and of the influence of Etruscan as of Greek and Phoenician art. But this influence is at least as strong in the later as in the earlier periods, and is at no period other than what a more advanced people would naturally exercise over less civilized neighbours. The traditional view that Rome was originally and essentially Latin is confirmed, and not overthrown, by the evidence of the tombs. The continuity of development, which is so characteristic of the history of Roman institutions and

[1] Annali, 1884, p. 146.

[2] Introd. p. xi.

language, is no less clearly visible in the growth of her civilization as recorded in the Esquiline necropolis. Though, however, we may fairly infer the establishment, possibly about the beginning of the eighth century, of a Latin community upon the seven hills, which stood in point of culture on much the same level as the dwellers upon the lower slopes of the Alban hills, we cannot follow Comm. Lanciani [1] in his patriotic vindication of the truth of the legend which represents Rome as a colony from Alba. It is doubtful if this tradition belongs to the oldest version of the tale of the founding of Rome; but, be this as it may, it can be easily explained as the expression, in characteristic form, of the sense of kinship with which down to the time of Cicero the Romans regarded the sacred mount, 'the long hill,' [2] which was as naturally the common centre for the Latin lowlanders as was Mount Olympus for the cluster of Hellenic tribes dwelling at its base. It is in the Latin affinities of Rome, and in the associations which gathered round the conspicuous hill which dominates the Latin Campagna, that the elements of truth lying behind the myth are to be found, for it must be remembered that not Rome only, but the other Latin communities of the plain country, were believed to be colonies of Alba.

The well-established tradition that Rome grew into a city by the gradual fusion of separate settlements can also quote a certain amount of evidence in its favour from the results of excavation. Of the ancient wall which surrounded the settlement on the Palatine sufficient fragments have been discovered

[1] Ancient Rome, p. 27.

[2] 'Alba' should probably be connected not with the Latin adjective 'albus', but with 'alp-is', and is possibly pre-Italic. See Helbig, Die Italiker, p. 31. The Latin epithet 'longa' accurately describes the appearance of the Alban range as seen from Rome. [On the site, possibly Castel Gandolfo, see Ashby, 'Journ. Phil.' xxvii. 37.] The old name for the Tiber, 'Albula' (Varro, De Ling. Lat. 5. 30), would thus = 'hill-stream,' which is also the meaning of its later Italic name Tiberis (Sabine 'teba' = hill: cf. Tifernum, Tifata).

to enable us to determine the general line of its course and the method of its construction. As regards the first point, it is now generally agreed that it included the whole circuit of the Palatine hill, and not the north-western half only. 'Recent excavations have exposed remains of the primitive wall at several points along the southern half of the hill, both a little to the east of the supposed site of the Porta Mugonia, and also near the so-called Domus Gelotiana, on the slope towards the Circus Maximus.'[1] Of the character and structure of the wall Professor Middleton gives an admirable account; but before its exact relation to other primitive fortifications in Italy can be determined, we must have before us a far more complete and accurate survey of these than at present exists, and must abandon the unscientific nomenclature, Etruscan, Pelasgic, Cyclopean, &c., which still lingers in use, to the confusion of scholars. A useful piece of work in this direction has been done by Professor Richter, who has succeeded in showing that a close resemblance exists between the primitive walls of the old Campagna town of Ardea[2] and the 'wall of Romulus'. Both clearly belong to an earlier period than the Servian wall, and there is no good reason for ascribing either to Etruscan builders.[3]

Similar traces of fortification have been found on others of the seven hills. It is doubtful what was the exact nature of the 'earthen wall', of which Varro speaks, on the slope of the Esquiline above the Subura,[4] and no certain traces have yet been found of a separate enclosure there. But on the Caelian, on the Quirinal, and especially on the Capitoline hill, remains have been discovered of ancient fortifications, certainly older than the Servian wall, and

[1] Middleton, p. 48. Compare also Annali, 1884, p. 189.

[2] Annali, 1884, p. 90.

[3] The writer in the Edinburgh Review of 1872 speaks, pardonably enough, of 'Etruscan' stonework. But the fact that on the Palatine, as at Ardea and elsewhere, the wall is set against the cliff, and rests on an artificially cut shelf, is no proof of Etruscan origin.

[4] Varro, Ling. Lat. 5. 48, 50.

originally independent of it.[1] Of those on the Capitoline Professor Middleton remarks that the whole hill was

'surrounded with a complete wall of its own, and was incorporated as a link in the chain of forts which were united by the walls of Servius. Several parts of this primitive fortress-wall still exist, and are now exposed to sight. One of these is at the top of what is popularly called the Tarpeian rock. Remains of a part of the wall were exposed during the recent formation of a winding carriage-road up from the Campus Martius. At this point the wall was set like that of Roma quadrata, not at the highest point, but on a shelf cut about halfway down the slope'.[2]

Of greater certainty and value are the contributions made by recent excavation to our knowledge of the decisive stage in the growth of the city when these separate settlements were finally enclosed in a single ring wall. The remains of the famous Servian wall and 'agger' discovered during the last twenty years have enabled us to determine its circuit by surer evidence than the frequently vague and conflicting statements of ancient writers, and have revealed the mode of its construction, the relative date of its erection, and its later history. 'We have brought to light,' says Comm. Lanciani, 'more than 5,000 feet of the great "agger" or embankment of Servius, and ascertained the site of fourteen gates.'[3] The descriptions given by Dionysius and Strabo have been verified by actual inspection and measurement. Traces have been found of later restorations and repairs during the period when the wall and 'agger' had still a value as defensive works, as well as of the manner in which from the close of the first century B. C. onwards this great 'monument of

[1] Richter, Annali, 1884, p. 93: 'La loro esistenza fa fede, che le singole fortificazioni dei colli romani durarono in piedi, dopo che il muro Serviano era stato costruito'. It should be added that Jordan questions this theory of the purpose and meaning of these remains. [2] Middleton, p. 62.

[3] Ancient Rome, p. xi. All students of antiquity and lovers of Rome will join with Professor Middleton and Comm. Lanciani in their laments over the nearly complete destruction of the most striking portions of these remains, those belonging to the 'agger' where it crossed the Esquiline hill.

the kings' was concealed from view by the houses built against it, was pierced by new streets and roads, while the old gates were blocked up, and the great ditch filled in.[1] Nor is it now impossible to determine roughly the period within which its construction must fall.[2] This must be later, as we have seen above, than that of the oldest Esquiline tombs, and later, therefore, than the early half of the eighth century. The workmanship of the wall evidently belongs to a more advanced age than that in which the Palatine fortifications were erected, though the material used is, in both, tufa.[3] The remains found on the Esquiline, which, from their position, are contemporary, or nearly so, with the 'agger', may be assigned approximately to the close of the seventh century B.C.; and we have thus a date for the wall which agrees fairly well with that assigned to it by Roman tradition. But who were its builders? This, it must be frankly confessed, is a question to which no confident answer can yet be given. Two points only seem tolerably clear. In the first place, all probability is in favour of the assumption that the group of colossal works, attributed by tradition to the time of the later kings, really belong to one and the same period. The masonry of the Cloaca Maxima, and of the quay by the Tiber in which its mouth is set, are in style essentially similar to that of the Servian wall. Secondly, such a group of monuments suggests the existence of powerful and wealthy rulers, commanding the services of skilled workmen. But the further question—whether, following hints given by tradition, we are to regard them as the work of Etruscan princes ruling in Rome—is one on which the remains themselves throw little light.[4] The evidence sup-

[1] See Jordan, Topogr. d. Stadt Rom, i (1), pp. 202 sqq.

[2] [But see above, p. 245, note 3.]

[3] Peperino is used in the possibly later fragment of the wall on the Aventine, as also in the arch of the Cloaca Maxima.

[4] We confess to have ourselves a decided bias in favour of the theory which sees in the later kings Etruscan rulers; but this theory by no means

plied by these—and to go beyond these would land us in an historical discussion quite outside the scope of this article—suggests the influence of Etruscan models, as in the plan of the Capitoline temple, and in the arch of the 'cloaca'; and the employment of Etruscan artisans, with possibly a sort of Ghetto of their own in the 'vicus Tuscus', or Tuscan quarter. If it were certain that the enigmatical masons' marks on the stones of the Servian 'agger' represented letters of the Etruscan alphabet, their testimony would be important. But so long as the most trusted experts are in hopeless disagreement on the point[1]—Jordan, for instance, being evidently sceptical as to whether the marks are alphabetical at all, and strenuously maintaining that, whatever alphabet they belong to, the alphabet is not Etruscan—their evidence cannot be seriously taken into account.

Every one who has visited Rome and studied the recent excavations with his mind full of the republican period must have felt a pang of disappointment on discovering how scanty are the remains of that heroic age of the Roman State. The monuments of the kings are there, and, scarcely surpassing them in solidity and grandeur, those of the Caesars. But of the ever victorious republic little more than the sites, or at most the foundations and substructions, of her buildings remain, and of these the most important, such as the lower part of the Tabularium and the Theatre of Pompey, date from the time of men who in spirit belong rather to the empire than the republic: Lucius Cornelius Sulla, and Cnaeus Pompeius Magnus. Such a comparative blank is a characteristic commentary on the simplicity and self-effacement of the men who won the world for their city. But it

implies that at any time Rome became an Etruscan city—any more than London became Norman when Normans were on the throne of England.

[1] Middleton, p. 71 'Many of the characters resemble Etruscan letters—some are distinctly Greek'. Jordan, Topogr. i. 265 'Auf das etruskische führt keine einzige sichere Spur'. [They seem to be later in date than the characters on the stele found at the Black Stone in the Forum. See Richter, Topogr., ed. ii, p. 43.]

is due in great part to other causes, to the comparative poverty which, down almost to the first century B.C., checked expenditure on building, to the engrossing wars which left little leisure for monumental display, and, above all, to the constantly recurring fires which wasted the ill-built alleys and levelled to the ground the temples of the gods.

Nevertheless excavations have done much to enable us to realize republican Rome and its public life to an extent impossible twenty years ago. A comparison of the photograph of the Forum in Comm. Lanciani's book not only with much older representations, such as those by Piranesi, but with the comparatively recent plate given in Mr. Burn's 'Rome and the Campagna' (p. 76), will enable those who have not visited Rome of late years to appreciate at a glance the importance of the results achieved. In Mr. Burn's plate the 'Campo Vaccino' of Piranesi is still as it was, save for the partial clearing which has laid bare a portion of the Basilica Iulia. In Comm. Lanciani's photograph the whole area of what was the centre of Roman public life and the scene of much of Roman political history is open to view.

'If in 1870 any one had spoken to us of the probability of an imminent and complete excavation of the Forum from end to end, we should have denied the possibility of such an enterprise being accomplished by a single generation. But now the golden dream has become a reality. To-day, for the first time since the fall of the Empire, we are able to walk over the bare pavement of the Sacra Via from its beginning near the Colosseum to its end near the temple of Iupiter Capitolinus, admiring, on either side of the wonderful road, the most glorious monuments of the Republic and of the Empire.'[1]

It is true that the greater part of the remains now visible are imperial and not republican in date. The pavement of

[1] Lanciani, Ancient Rome, p. xxii. [Alas, there is no more finality in the excavation of a site than in the collation of a manuscript. Boni has shown that much underlay the surfaces exposed in 1889 and that even the pavements of the Via Sacra covered older street-levels.]

the Sacra Via is, excepting the older piece on the 'clivus Capitolinus', of quite late date, possibly as late as the fourth century A.D. Parts of the Atrium Vestae date from the second century and parts from Septimius Severus, to whom, and to Diocletian, belong also most of the extant remains of the Basilica Iulia. The beautiful columns of the temple of Castor and Pollux are earlier, but still of imperial date.[1] Among the few relics of republican workmanship are the remains of the Regia,[2] some loose bits of the Arch of Fabius, the podium of the Temple of Castor and Pollux, and the Rostra erected by Julius Caesar. But if the extant monuments themselves are mostly imperial, the sites on which they stand are older, and it is consequently possible not merely to determine with unexpected accuracy the topography of the Forum as it was in the days of the Gracchi and Cicero, but to reconstruct a picture of its external appearance.[3]

It is not possible within the limits of this article to do more than notice briefly some of the more important results obtained since the area of the Forum valley was exposed to view. Of the chief landmarks of republican times the two ancient streets, the Vicus Tuscus and the Vicus Iugarius, have been satisfactorily identified. The limits of the Forum proper have been clearly defined, and the sites fixed both of the Rostra, erected in 44 B.C., and of the Arch of Fabius, which marked the eastern extremity of the Forum in its wider sense.[4] More striking still are the discoveries made

[1] They apparently date from the rebuilding of the temple by Tiberius and Drusus in 6 A.D.—Middleton, pp. 176–7.

[2] Of these some are possibly prerepublican.—Middleton, p. 186.

[3] A good idea of the advance made in our knowledge of the topography of the Forum may be gained by comparing the plan given by Nibby in his 'Foro Romano' (Roma, 1819) with those of Lanciani and Middleton. In the former, not only is the whole shape of the Forum wrongly drawn but many of the important buildings, e.g. the Heroum of Julius, the Temple of Vesta, and Graecostasis, are hopelessly misplaced.

[4] Nothing could be better than Professor Middleton's account of the

as to the position of the historic buildings which bordered the Sacra Via in its course from the 'Summa Sacra Via' to the Forum—the Regia, and the Temple and Atrium of Vesta. Besides fixing the position of these monuments, the excavations have thrown some light on the vexed question of the line followed by the 'Sacred Road' itself. The difference between the orientation of the Regia and that of such later buildings as the Atrium Vestae and the porticus Margaritaria, as well as the discovery by Mr. Nichols in 1886 of the remains of a republican building lying right across the line of the present pavement of the road near the Temple of Vesta, show that the road must have originally curved outwards in the direction of the Temple of Faustina before passing the Regia, and kept at some distance from the Temple of Vesta on its way into the Forum.[1] On the problem of its further course through the Forum to the Capitol opinions are still divided, some experts favouring the line which runs from the steps of the Temple of Faustina along the northern side of the Forum to the Arch of Severus,[2] others that which passes between the Forum and Basilica Iulia. Without venturing to pronounce judgement ourselves, we may point out that if the remains of the two arches discovered respectively at the eastern and western extremities of this latter line are correctly identified with those of Tiberius and Augustus,[3] they afford a strong presumption that this was the line of the road at that time, while the connexion of the

remains of the Rostra, which, though not those from which the great orators of the republic spoke, are yet among the most interesting and satisfactory of the newly discovered monuments to the historical student. [See Mau, Römische Mittheilungen, 1905, pp. 230 foll.]

[1] Middleton, pp. 186, 505.

[2] [This seems to be a very late, possibly an early mediaeval, road.]

[3] The supposed remains of the Arch of Tiberius are described by Middleton, p. 169. Those of the Arch of Augustus were discovered by Professor Richter as recently as 1888. The sites of both arches are marked by him on his plan of the Forum in Iwan Müller's Handbuch d. class. Alterthumswissenschaft, vol. iii, p. 802.

other with the later monuments of the Antonines and of Severus would seem to indicate that the more direct, and probably broader, route was adopted subsequently.

We have only space to notice two other recent additions to our knowledge of the Republican forum and its surroundings, the discovery of the Nova Via, and the determination of the site of the Curia. The former was the road over which —so ran tradition—looked the windows of the elder Tarquin's house,[1] and it was 'in the new road, where now there standeth a chapel, above the temple of Vesta, that there was, in the still time of the night, a voice heard, louder than any man's, commanding that the magistrates should be told that the Gauls were coming'.[2] From these and other passages in ancient writers it was tolerably clear that the road, starting from a point near the Porta Mugionis, and not much above the Summa Sacra Via, ran along the lower slope of the Palatine, below the Lucus Vestae, and above the Temple of Vesta, whence it descended towards the low ground of the Velabrum. This end of the road was known as the 'Infima Nova Via', the higher extremity nearest the P. Mugionis as the 'Summa Nova Via'. Ovid also mentions a crossway or staircase connecting the Nova Via with the Forum.[3] The Lucus Vestae and the shrine of Aius Loquens are gone, and their places are occupied by the palace of Caligula. But the New Road itself can now be clearly traced from near the church of S. Maria Antiqua to its junction with the Clivus Palatinus not far above the point where that road diverges from the Summa Sacra Via at the Arch of Titus. It passes between the palace of Caligula on one side and the Atrium Vestae on the other, the upper floor of the atrium being on a level with the road. The steps alluded to by Ovid[4] are shown on the marble 'Forma Urbis', and

[1] Livy, i. 41.

[2] Livy, v. 32. The translation is in the stately English of Philemon Holland, London, 1600.

[3] Fasti, vi. 395.

[4] [Since, actually found.]

were, therefore, in existence at the end of the second century A.D. The footway leading from the Sacra Via to the new road between the temple of Vesta and the Atrium Vestae was apparently a distinct, and probably a later, work. Its chief interest lies in the characteristic accident by which both its name and that of the shrine standing near it were discovered, an episode which Comm. Lanciani aptly quotes to illustrate the romance of Roman excavation. His account deserves quotation in full:—[1]

'The architects of the basilica of St. Paul-outside-the-Walls, in digging the foundations of the portico in front of the basilica itself, found at a considerable depth many Christian tombs of the sixth century, made up of every kind of material, and particularly of slabs and blocks of marble removed from older buildings. One of these slabs, discovered in 1878, contained the following inscription: "Under the consulship of L. Marius and of L. Roscius Aelianus" (A.D. 223) "the shrine or chapel which stands at the corner of the street of Vesta, and which had been allowed to fall almost into ruin, has been rebuilt by the magistrates of the (ward) or district, and dedicated to the domestic gods of the imperial family, and to the genius of our Emperor, Severus Alexander, the Pious, the Fortunate, &c."[2] Six years later, in the spring of 1882, not only did we succeed in laying bare the pavement of the lane running between the temple of the Dioscuri and the north side of the House of the Vestals, which evidently must be the one mentioned in the inscription, but we brought to light the very shrine or chapel to which the marble slab above described was originally affixed.'

The determination of the site of the Curia, and the identification of the latest building erected upon it with the existing church of S. Adriano, is not only an achievement of great topographical importance, but is an excellent example of what can be effected in Rome, without the aid of excavation,

[1] Lanciani, Ancient Rome, p. 150; Middleton, pp. 190–1.

[2] The original of the inscription is given in the Ephemeris Epigraphica, iv. p. 266, and in the Bullett. d'Inst., 1878, p. 141.

by a careful study of extant literary records and a searching examination of apparently mediaeval structures. To Comm. Lanciani, moreover, belongs the lion's share of the credit for solving a problem which long vexed the souls of archaeologists. The history of the Curia, as gathered from the writers of antiquity, is briefly as follows. In the generation before Livy[1] the ancient 'Curia Hostilia' was still standing, and the 'tabula Valeria', the battlepiece representing the defeat of the Carthaginians and Syracusans in 490–1 A.U.C., 264–3 B.C., by M. Valerius Messalla, was still visible on its southern front.[2] It was burnt in the riots which followed upon the murder of Clodius in 53 B.C., and was rebuilt by Augustus, who re-christened it 'Curia Iulia' in honour of the dictator. After the Neronian fire it was repaired by Domitian, and finally, after its partial or complete destruction under Carinus, it was restored by Diocletian. That Diocletian's building was still standing and known as the senate-house in 540 A.D. is proved by a passage in Procopius.[3] But its exact position, and that of the group of buildings connected with it, as well as of the neighbouring 'comitium', was gradually obscured by the changes effected in subsequent centuries, and has been till recently the subject of the most conflicting conjectures. Nibby placed the Curia near S. Maria Antiqua. Canina identified it with the remains now known to be those of the temple of Castor. But since the publication of Comm. Lanciani's article in the Atti della reale Accademia dei Lincei (Jan. 1883)[4] very little doubt remains that the existing churches of S. Martino and S. Adriano near the north-east corner of the Forum mark its actual site.

His arguments are briefly these. Procopius connects the 'Curia' of Diocletian with a monument styled τὰ τρία φᾶτα. Pope Honorius I is recorded to have made a church for the blessed martyr Hadrian 'in tribus fatis' (circa 630 A.D.).

[1] Livy, 1. 30 'Usque ad patrum nostrorum aetatem'.

[2] Cicero, Ad Fam. 14. 2, Plin. N. H. 35. 22. [3] De Bello Goth. 1. 25.

[4] L'Aula e gli Uffici del Senato Romano, [also issued separately, Rome, 1883].

That this church—the present S. Adriano—was 'made' by the simple process of adapting and altering the existing 'curia', Comm. Lanciani has been able to prove almost to demonstration by the aid of a series of previously unpublished plans and drawings made in the fifteenth and sixteenth centuries by A. Sangallo, the two Peruzzi, and Giovanni Colonna.[1] The earlier of these drawings show the two churches of S. Martino and S. Adriano as they were before Cardinal Bonelli, towards the end of the sixteenth century, separated them by the street which still bears his name (Via Bonella). They are represented as forming a continuous rectangular block of buildings bounded towards the modern Via di Martino by a market garden, on the east by a massive wall of tufa and travertine (the boundary wall, probably, of the Forum Iulium), on the south by the forum transitorium of Nerva. The northern portion of the block, that occupied by S. Martino, with the ancient bas-reliefs[2] on the walls, the ancient slabs of marble in the pavement, and its walls of travertine, is identified by Lanciani with the 'secretarium senatus'.[3] Separated from this portion by what was possibly a covered portico and atrium is S. Adriano, the 'curia' of Diocletian itself, still showing evident remains of ancient work in the interior, which the author of the plan we have been following, A. Sangallo, clearly distinguishes from the additions and alterations of Honorius. Of the exterior of the

[1] Those by A. Sangallo and the Peruzzi are in the Uffizi at Florence, that by Giovanni Colonna in the Vatican. The 'Vestigi di Roma' of Du Perac was published in 1575. To these should be added the plan and sketch of S. Adriano given in the MS. notes of Ligorio (1550–70) now in the Bodleian, and fully described by Professor Middleton in Archaeologia [p. 238, note 3, above]. Compare also the illustrations reproduced in Lanciani, Ancient Rome, pp. 78, 79, 81. Middleton, p. 150.

[2] Now in the Palace of the Conservators, on the Capitol.

[3] Lanciani mentions as a coincidence, possibly showing the continuity of local tradition in Rome, that the mediaeval senate in the twelfth century administered justice at S. Martino. See the Dissertation referred to [p. 257, note 4, above], p. 21.

church, as it appeared in the sixteenth century, an exact idea is given by the drawings of Giovanni Colonna and Du Perac. The floor of the church was still at the ancient level, as indicated by the flight of steps leading down to the entrance. The ancient bronze doors, now in the Lateran, were still in position, as were the Ionic columns on either side of them. The architectural features are those characteristic of the age of Diocletian and Constantine. The work 'closely resembles, even in minute details of the cornice and imitation marble blocks, parts of the baths of Diocletian'. The construction of the Via Bonella, the change in the level of the ground, the churchwarden-like alterations which have blocked up the original windows, and disguised the walls in stucco, have nearly succeeded in transforming S. Adriano out of all likeness to its original self; but of the justice of its claim to be the 'Curia of Diocletian' and to stand where from time immemorial stood the meeting-place of the Roman senate there can be little doubt. To appreciate the amount of light thus thrown on the equally disputed question of the site of the Comitium and of the Chalcidicum of Augustus, we must be content to refer our readers to the dissertation by Comm. Lanciani mentioned above.

For the history and topography of imperial Rome the mass of material which recent excavations have brought to light is so overwhelming that only the most summary account of it is possible here. To what was known already of the great monuments of the Augustan age not many additions of importance have been made—among them are the discovery of the remains of the Arch of Augustus, and of the Heroum of Julius, and the complete laying bare of the Basilica Iulia in the Forum—to which may be added the clearing away of the buildings which hid from view the back of the Pantheon, and it may be hoped the final overthrow, in consequence, of the theory that this noble building had been originally built to serve as the 'caldarium' for the baths of Agrippa. It is now 'evident that the Pantheon when first

built was a completely isolated structure, and though in later times the Thermae were extended against and even on both sides of the Pantheon, yet at no time was any entrance broken through to connect the one building with the other'.[1] But as regards two of the most splendid and historic groups of Augustan monuments, matters stand much as they did before 1870. Not even the destruction of the Ghetto has brought to light more than 'a small portion of the colonnade of the Porticus Octaviae', and that apparently a piece of later restoration, while of the magnificent buildings erected by Augustus on the Palatine, the temple of Apollo, the libraries and the shrine of Vesta, which alone of all the buildings on the Palatine remained essentially unaltered down to the fall of the empire, no fresh traces whatever have yet been found.

Passing on from Augustus we find only four buildings connected with the emperors of the first century in connexion with which discoveries of importance have been made. The Palatine excavations have laid bare more completely the plan and extent of Caligula's palace, and brought to light the so-called 'stadium' of Domitian. To the second century belongs part at least of the most interesting of all the monumental relics of imperial Rome, the Atrium Vestae; for though built on an ancient site, and bearing an ancient name, its extant remains belong only to a very small extent to the first century.[2] Portions also of Hadrian's palace on the Palatine have been recently excavated. The next period to the monumental history of which important contributions have been made, is that which ranks only after the ages of Hadrian and Augustus as an age of building and restoration, the age of Septimius Severus and Caracalla. What remains of the palace of Severus on the Palatine has now been excavated. Of its most distinctive feature, the famous 'Septizonium', we have still little

[1] Middleton, Ancient Rome, p. 337; Lanciani, Notizie degli Scavi, 1882, p. 340.

[2] [Hülsen, The Roman Forum, Engl. edition, Rome, 1906, p. 194. Part of it belongs to a reconstruction and enlargement by Septimius Severus.]

information save such as is derived from ancient, mediaeval and Renaissance notices. But under this last head important additions to our knowledge have come from the same source whence fresh light has been thrown on the real history of the Church of S. Adriano,—from the sixteenth-century drawings in the Uffizi Gallery at Florence and in the Vatican at Rome.[1] The name itself is still a puzzle. It seems probable that the explanation of it once current, as meaning a building with seven stories, must be abandoned, though it still finds favour with two such high authorities as Comm. Lanciani and Professor Middleton. The weight of the evidence appears to us to tell strongly in favour of the view that the uppermost story represented in the sixteenth-century drawings—e. g. in that reproduced by Lanciani on p. 126—was always the topmost one. Canina's assumption that there were other lower stories, sunk below the ground as the level of the latter rose, is disproved by the fact, now established, that the change of level only amounts to between nine and ten feet. That the supposed higher stories were built up against the S.W. slope of the Palatine, to the height of the palace itself, is highly improbable, inasmuch as the Septizonium was separated by an interval of nearly 300 feet from the end of the great corridor of the palace, which itself extends beyond the slope of the hill. On the whole, we are inclined to agree with Hülsen that the Septizonium was a detached building, three stories high, with open colonnades and decorated with statues and possibly fountains—a rather meaningless piece of magnificence, characteristic of the declining days of taste, but no doubt well calculated to serve the purpose for which we are told it was built, that of impressing Severus's African fellow countrymen, on their first entry into Rome, with a due sense of imperial splendour. It continued to exist, and to be reckoned among the wonders of Rome, until it was finally destroyed by Pope Sixtus V in 1586.

[1] For a full account of the Septizonium, see Hülsen, Das Septizonium, Berlin, 1886, [and Jordan and Hülsen, Topogr. i. (3) p. 100].

Next to the Septizonium in fame, and still extant in their massive solidity, though shorn of their ancient splendour, may be placed the Baths of Caracalla, now completely laid bare, and without a rival among the monuments of Rome in the impression they leave of imperial magnificence. Finally, Comm. Lanciani has, in the Bullettino Comm. Arch. for 1882, drawn up a list based largely either on the results of excavation, or on a more careful examination of differences of workmanship in previously known buildings, of over twenty monuments either founded anew or reconstructed during the same period. The anarchy which prevailed during the succeeding years of the third century gave little hopes that even the most strict search would add much to the meagre list of works due to the emperors from Severus Alexander to Aurelian. But to the latter, the man who at once saved the Empire from premature disruption and inaugurated the semi-oriental system of rule associated with the name of Diocletian, belong the remains of the great Temple of the Sun 'on the edge of the perpendicular cliff of the Quirinal facing the Campus Martius', built under the influence of oriental ideas and of 'the great sanctuaries of the Sun' at Baalbek and Palmyra.[1] As regards the massive erections of Diocletian, Maxentius, and Constantine, there is nothing new of importance to record, beyond the identification already mentioned of S. Adriano with the Curia of Diocletian. This list must close with the mere notice of the fact that in the so-called 'stadium' of Domitian on the Palatine traces of restoration have been found which may be attributed to the Gothic king who ruled Italy in the Emperor's name and as holding his commission, and whose reverence for the ancient monuments of Rome is attested by Cassiodorus—Theodoric the Ostrogoth.[2]

[1] Lanciani, Ancient Rome, p. 300. [This identification is doubtful. Many scholars (e.g. Hülsen, Topogr. pp. 422, 453) call the remains on the Quirinal the Temple of Serapis and find Aurelian's Temple of the Sun in the Campus Martius near S. Silvestro.] [2] Middleton, p. 127, [Hülsen, Topogr. p. 94].

But such a list as this conveys a very inadequate idea of the actual advance made during the last twenty years in our knowledge of imperial Rome. The careful studies made of previously known monuments with the help of the fresh light thrown not only by a more exact acquaintance with Roman methods of construction and with mediaeval tradition and documents, but also by the rapidly accumulating evidence of inscriptions and representations upon coins, has made it possible to trace the history and determine the identity of buildings which had long been regarded as enigmas the key to whose solution was hopelessly lost. As conspicuous instances of what has been achieved in this direction we may refer to the masterly paper on the Church of SS. Cosma and Damiano by Comm. Lanciani in the Bullettino Comm. Arch. for 1882, and to Professor Middleton's accounts of the structure of the Colosseum and of the Temples of the 'Urbs Sacra' and of Romulus.

Of the general history of the city under the emperors we are now able to form an infinitely better idea than was possible to the last generation. The emperors who left the deepest impression on the history of the Empire at large are found to be those whose mark is most clearly stamped on Rome itself. Caligula, Nero, Commodus, and their like, filled a place in the literary gossip which to so great an extent did duty for rational history in the first three centuries after Christ, which was altogether disproportionate to their real importance. We have now learnt to look upon the reigns of Augustus, of Hadrian, of Septimius Severus, and of Diocletian as marking the decisive epochs in the annals of the Empire, and their significance for the history of the imperial city is equally great. The gradual centralization of all authority and administrative energy in Caesar has its counterpart in their growing monopoly of the actual soil of the city as revealed by a study of its monuments. The private houses which clothed the slopes and spread over the crown of the Palatine hill were buried deep below

the vast piles which the Caesars raised above them. Nero stole from the Roman people the whole area lying between the Palatine, Caelian, and Esquiline hills. The private gardens on the Esquiline, Quirinal, and Pincian became, one after another, the property of Caesar. The vast imperial baths and endless porticoes [1] banished private property and private residences from one quarter after another.

Nor does the history of her buildings fail to show traces of the severance gradually effected between the Caesars and Rome. As Rome lost her imperial pre-eminence and became only the first city of the Empire, as she ceased to be the seat of government, so we find that the character of the great imperial works alters. The history of the imperial residences of the Palatine really closes with Severus. The characteristic public buildings of the third and fourth centuries, the baths, porticoes, basilicas, differ only in their size and magnificence from those erected at the imperial cost in other great cities of the Empire. In the latter part of the fourth century and in the fifth, the immediate rulers of Rome were not the Caesars, but the prefects of the city, and on inscriptions of this period accordingly it is frequently not Caesar but his prefect who builds or restores in Rome. Of the traces which exist in the remains of the period of decadence, we have no room to write here. But the reader need not go further than the two books selected as the text of this article, to appreciate the vivid light thrown on this dark period by the monuments of the city. As to the elaborate administrative and police machinery which in Rome, as in Italy and the provinces, was the gradual creation of the Caesars, nearly all our knowledge comes from monuments. The distribution and number of the 'vici' or wards,

[1] For the extent of these see the calculations of Lanciani, Ancient Rome, p. 99. The extent of the twelve larger porticoes of the Campus Martius amounts to 4,600 yards; the surface protected from the sun and rain to 28,000 square yards; the total area of the portico, central gardens included, to 100,000 square yards; the number of columns to 2,000 or thereabouts.

the stations of the city police, the quarters of the household troops of the emperors,[1] the arrangements for the maintenance of the quays along the Tiber, of the 'cloacae' and aqueducts, and—most important of all for the peace of the city—for the regular supply of provisions to its crowded population: on all these points we have now a mass of contemporary evidence without a parallel in the history of any other great city of the ancient world.

The writer of the article in the Edinburgh Review, eighteen years ago, spoke truly enough of the ignorance then existing as to the history of the Tiber as an element in the life of ancient Rome.[2] But this ignorance excavation, careful scientific observation, and a skilful combination of scattered evidence have since then done much to remove. In his chapter on the Tiber and the Claudian Harbour, perhaps the best in the book, Comm. Lanciani states the verdict of recent research upon the long-disputed question of the changes in the level of the river-bed. 'From a series of observations taken in the course of the present works of embankment it appears that, for the last twenty-one centuries, the level of the water, and consequently the bed of the river, has risen only two feet and two or three inches' (p. 233). How this result is to be reconciled with the well-known story that Marcus Agrippa once rowed into the Cloaca Maxima he does not tell us. But if the story is to suffer it is not the only or the most important piece of the literary tradition of imperial times that has had to give way before the results of recent exploration. His description of the quays and warehouses which lined the left bank of the river, of the crowded

[1] The most important discoveries under this head are those which have thrown light on the corps of the 'equites singulares'—the household cavalry of the Caesars of the third century—whose barracks near the imperial palace of the Lateran, along with numerous inscriptions relating to the corps, were discovered in 1886–7.

[2] The natural scepticism expressed by the reviewer as to the 'treasures' buried in the Tiber bed has proved to be excessive. See Lanciani, Ancient Rome, p. 255.

commercial riverside quarter of the city, and in particular of the great 'Horrea Galbana'[1] can only be referred to here, while the discoveries which have made of Ostia a second Pompeii would require a separate article to themselves. For not even Pompeii has yielded so rich a harvest.[2] By putting together the actual buildings, temples, houses, wharves, now laid bare, the works of art now stored in the Roman Museums, and the vast array of inscriptions recently edited for the first time in a collected shape in the fourteenth volume of the great Berlin Corpus of Latin inscriptions, we are able to draw the picture of Rome's first colony and seaport, with its busy population, its numerous guilds, its varied commerce and scarcely less varied religious worships, as it was during the first four centuries of the Empire. It is a picture infinitely richer in historical interest of every kind than that of the little seaside town on the Campanian coast, with its brief existence and its rather commonplace life. But before leaving Rome and its suburbs one more discovery must be mentioned, if only as a signal example of German patience and industry. Monte Testaccio, the familiar green hillock south of the Aventine, has at last been forced to reveal the secret of its existence. After a long and tedious examination of thousands of broken fragments of pottery, Professor Dressel has arrived at the following conclusions, which we give as they are summarized by Lanciani in the volume before us (p. 253):[3]

'It appears that when the trade between Rome and the provinces began to assume a certain amount of importance, the authorities of the Tiber set aside a space of ground in the vicinity of the landing-place, in which the fragments of amphorae broken during the journey or in the act of unloading could be thrown. These fragments were piled up, heap

[1] Lanciani, p. 248. Cf. the articles by Henzen and Gatti in the Römische Mittheilungen for 1886, pp. 42, 65.

[2] The splendid results obtained at Ostia are mainly due to the indomitable energy and the skill of Comm. Lanciani.

[3] The original memoir is published in the Annali for 1878, pp. 118–92.

after heap, of the same height, until the whole surface allotted by the magistrates was covered with a stratum four or five feet high. The horizontal space having been thus all occupied, the deposit began to increase in height; and so layer after layer was superimposed, until a real hill, at least 150 feet high, and nearly 4,000 in circumference, was formed. . . .' By an examination of nearly 3,000 fabric-stamps on the handles of amphorae, and of nearly 1,000 inscriptions, he has proved that 'the mountain reached its actual height and size at the following dates: on the north side between the years 140 and 149 of our era; on the east side between 150 and 160; on the west side between 174 and 230. The latest date 251 was discovered not far from the summit, on the east side, but evidently out of its original place'.

If, even before systematic excavation began, the outlines of the story of Rome itself were preserved, though often in an obscure or distorted form, by mediaeval tradition and in mediaeval buildings, it was otherwise in the Campagna. Of the history of the Campagna, of the changes which have made it what it is to-day, and of its condition in the third and fourth centuries after Christ, tradition has little to say. The old names even of important sites have only survived here and there, while the buildings, instead of being preserved, as so frequently happened in Rome, by their adaptation to other purposes as churches, or as the fortresses of mediaeval nobles, seem, with a few exceptions, to have been left to fall silently and slowly into decay. The arches of the aqueducts, the almost shapeless ruins dotted over its surface, and the tombs marking the line of the Appian Way, alone remained as visible evidence of its former state. But what has seemed to many the impossible task of rediscovering this missing chapter of history is now in a fair way to be accomplished. The blanks are still numerous, but every month is adding to our knowledge; and it is allowable to hope that we may yet receive what is more sorely needed even than a history of the city of Rome—a history of the Campagna.[1] One class only of the materials already

[1] [Papers of the British School at Rome, i. 125–281, iii. 1–212, iv. 1–160.]

existing for such a work—the inscriptions—fills an entire volume of the Berlin Corpus. For what has been achieved in a somewhat different direction we may refer to Comm. Lanciani's volume on the Comentarii di Frontino as well as to the graphic tenth chapter in his Ancient Rome.

On the threshold of any inquiry into the history of the Campagna lies the difficult question of the malaria. Of the enormous literature on this subject we can give no account here, nor, as laymen, shall we venture to pronounce an opinion on the exact nature and origin of malarious fever.[1] But of the comparative prevalence of malaria at different periods, and of the conditions which encouraged or checked its spread, it is now possible to speak with some confidence. Two facts, at any rate, seem to be fairly well established: one is that at no period within the range of history and tradition was the Campagna entirely free from this scourge, although the area affected by it constantly varied, and the habitable centres, as they are called, i.e. the spots untouched by malaria, differed in different periods; the other that the presence, or absence, of malaria was closely connected with certain definite changes both in the physical conditions of the Campagna, in the amount and distribution of the population, and in the methods of cultivation. The earliest period in the annals of the Campagna which can be said to fall, in any sense, within the range of history is that represented by the prehistoric settlements on the slope of the Alban hills. These settlements clearly belong to a time when volcanic agencies were still active, for the remains found in the older part of the necropolis are buried beneath a stratum of lava indicating a subsequent volcanic eruption.[2] That the various volcanic agencies at work in this period throughout the Campagna exercised a 'purifying action' and contributed to the healthiness of the district is very probable, and many of them almost certainly continued in operation after the

[1] [Written before the discovery of the activity of the Anopheles.]

[2] Lanciani, Ancient Rome, p. 28.

great craters on the Alban hills had relapsed into comparative inactivity. But we cannot follow Comm. Lanciani in holding that the depopulation of many parts of the Campagna, testified to by the writers of the first century before Christ, was due directly to a rapid spread of malaria consequent on 'the deadly calm of nature' which succeeded the extinction of the Latin volcanoes.[1] On the contrary, it seems to us more probable that the spread of malaria was the effect, and not the cause, of the depopulation, and that the latter was largely the work of Rome herself. The disappearance or decay of the numerous petty communities which studded the Campagna in the first three centuries of the city, and whose memory is preserved in Pliny's list of the extinct peoples of Latium,[2] was, we venture to think, mainly due to the advance of Roman dominion. Some perished utterly in the course of the incessant wars, destroyed by the hands of Rome, or ruined by Volscian and Aequian raids. Others, with the loss of their autonomy and part of their territory, lost the stimulus which kept them alive. With their decline declined also the careful and minute cultivation of the soil, which then, as now, must have been the most effectual preventive of malaria. To this cause must, no doubt, be added a natural one, which, so far as we know, has operated incessantly from the beginnings of history to the detriment of the sanitary condition of the Campagna. We refer to the obstruction of the natural outlets for its subterranean waters by the silting up of soil on the coast, and the consequent creation of stagnant pools and marshes. At this day, according to Comm. Lanciani, 'the average yearly increase of the coast along the delta of the Tiber has been determined at nineteen feet, from a maximum of twenty-eight at Ostia to a minimum of ten at Fiumicino' (p. 235). That this accumulation of soil was going on in republican times, not only at the mouth of the Tiber, the great natural drain of the district, but southward along the coast to

[1] Lanciani, Ancient Rome, pp. 50–1.

[2] N. H. iii. 68 foll.

Antium, is clear from Strabo. To these two causes—the disappearance of the small autonomous towns and of careful cultivation, and, on the other, the gradual breakdown of the system of drainage provided by nature—we may possibly attribute the formation of the great tract of swampy ground famous in history as the Pontine marshes, all the more so as we now know that the repopulation of many parts of the Campagna under the empire was due to the action of the government in making good these losses, by replanting a resident population on the land and by artificially draining off the superfluous moisture. But it is clear that in the time of Cicero neither the market gardens, which were beginning to redeem from waste the districts nearest Rome, nor the 'villae' of the Roman nobility had proved a sufficient compensation for the evils inflicted three centuries or more before. The villas especially were built chiefly on the sea-coast, or along the lines of the great roads, and left the rest of the Campagna untouched. Nor, in spite of the pleasure grounds and preserves, is there any reason to believe that the careful cultivation of the ground occupied any such share of the attention of the great nobles of the last century of the Republic as it did of that of their successors in the days of Seneca and the elder Pliny. The wealth easily acquired in the provinces was recklessly and unproductively spent in luxury, or in political gambling; and their troops of slaves were more useful as bravoes in street riots or 'claqueurs' in packed meetings, than as tillers of the soil. The protracted agony of the civil wars no doubt affected the Campagna as disastrously as it did other districts of Italy. We know that when Augustus began his work of reorganization in 29 B.C. the roads and the bridges were in disrepair, the aqueducts too few in number and sorely needing reconstruction, the landowners impoverished, and the land desolate. The first century of the Empire no doubt did much to diminish these evils. The roads, bridges, and aqueducts were repaired and new ones made. With the

establishment of peace and order confidence returned. The old traditions of country life and careful tillage revived and flourished again under imperial patronage and encouragement; and finally the establishment of safe means of communication with the provinces opened new markets to Italian industry, and made agriculture in all its branches profitable as well as fashionable. But the best days of the Campagna came later, in the second and third centuries. Though there were even then districts, such as that through which the road lay to Pliny's Laurentine villa, of marsh and scrubby woodland, of sandhills and of open pasture whither skinclad shepherds from the hills brought down their flocks for the winter, and where brigandage was not unknown, these were now the exception. Round the giant city itself ran a ring of small suburban residences and of market gardens, outside this lay the larger houses, vineyards, and oliveyards of the richer 'bourgeoisie' and of wealthy freedmen, and further afield again the great villas of the nobles and of Caesar.

'To all this', writes Comm. Lanciani, 'let us add the intensity of traffic on the high roads, on the cross lanes, on the flood and on the banks of the Tiber; let us think of the aqueducts, running on triumphal arcades through the inhabited centres of the district, distributing everywhere light and health; let us mould again those shapeless ruins into temples, shrines, and sanctuaries, lining at short intervals the banks of the high roads with roofs of bronze glistening under the rays of the sun; let us picture to the mind those endless marble cemeteries, shaded by the ilexes of the villa and the olive trees of the farm; let us animate the brilliant scene with groups of countrymen carrying into town the produce of the fertile soil, with pious pilgrims offering libations and flowers on the tombs of dear ones, and with travellers carried on the 'lectica' or driving the 'rheda', or the 'petorrita—' and we shall then gain a faint idea of the aspect of the Roman Campagna in bygone times' (p. 267).

To how great an extent the materials for this graphic picture have been drawn from the researches of the last few

years, and especially from those of Comm. Lanciani himself, may be inferred, not only from his modest notices of his own share of the work in the volume before us, but from his list of the villas discovered and identified by himself in the appendix to his 'Comentarii di Frontino'. We shall venture to complete the picture by sketching in one or two features unnoticed in the passage quoted above. Recent excavations have made it clear that one secret of the prosperity of the Campagna at this period lay in the systematic manner in which the drainage of the soil was carried out. A perfect network of channels ('cunicoli'), constructed to carry off the subterranean water, underlies the soil in nearly all parts of the Campagna, and these channels, as Comm. Lanciani assures us from personal inspection, are almost without exception subsequent in date to the establishment of the Empire, while the majority do not seem to be earlier than the second century after Christ.

A second fact of importance is the increase in the resident population. The 'plebeian crowd', which is described as clustering round the great houses, and whose village-like groups of dwellings are in some cases clearly traceable on the existing remains of 'villae', were evidently widely different from the slave gangs of republican times. Bearing in mind the known fact of the increasing extent to which in the second and third centuries free, or half-free, labour replaced that of slaves, as the supply of the latter diminished, it is not difficult to recognize in this dependent population not the servile 'coloni' of the fifth and sixth centuries, but their freer predecessors, known to us from the writings of Ulpian, and more recently from inscriptions. But there are other indications pointing in the same direction. We can now show that the imperial monopoly of the land, of which mention was made above in the case of Rome, extended to the Campagna. The confiscations of private estates carried out on a wholesale scale by such emperors as Nero, Domitian, Commodus, Severus, and Caracalla, together with the

numerous additions made by way of legacies, converted extensive tracts of the Campagna into imperial property. The economy which was, as a matter of virtue or necessity, a cardinal point in the policy of the best Caesars, especially of the second century, led them to turn these estates to more profitable account than was usually the case with the extravagant nobles whom they had displaced. Manufactures were started of bricks, tiles, and water-pipes; Caesar had his own flocks and herds, his vigilant bailiffs, and their numerous subordinates. Portions of the estates were assigned to freed men and clients, the 'coloni Caesaris' of the Liber Coloniarum and the Digest, and thus a resident population brought into existence such as had in old days kept the Campagna habitable, and such as it is now the earnest desire of Italian economic reformers to plant once more upon its deserted soil. With this change we may connect a phenomenon the reality of which the inscriptions have established, that of a revived life in some of those ancient Campagna towns, which Strabo describes as virtually extinct. The revival is in most cases directly traceable to imperial encouragement and patronage. In some the old town grew up again within the bounds of an imperial state, and no doubt had the beginnings of its new existence in the community of 'coloni', freedmen, and others formed under the shelter of the imperial villa. One instance only can be given here. The old Latin town of Labici on the Latin road was in Strabo's time in utter decay, and its site was private property. Pliny in his list mentions the territory of Labici ('ager Labicanus'), but no town, and the name does not occur in the Antonine Itinerary. But the Itinerary gives a station 'ad Quintanas' (or 'Quintanae') where Labici should be—a station, that is, near the Villa Quintana or Quintiana, no doubt the private estate mentioned by Strabo as having absorbed the decayed town. At some time in the first century this estate passed into the emperor's hands, and hence, as is shown by brick stamps, into the

hands of an imperial freedman, Agathyrsus, whose date is about A.D. 120–150.[1] Finally inscriptions of the second or third century reveal the existence of a town with a municipal constitution, the inhabitants of which style themselves officially 'Lavicani Quintanenses'.

How long this revived prosperity lasted it is difficult to say. The Campagna was still fairly populous in the time of Cassiodorus. Its final decline probably dated from the Gothic raids of the sixth century. But to trace the course of its decadence would carry us far beyond the limits of a review article, and we must conclude by noticing one fragment of its later history which Comm. Lanciani has rescued from oblivion. We have already expressed our regret that he did not retell in his 'Ancient Rome' the story of the villa of Q. Voconius Pollio near Castrimoenium, as he has told it in the 'Bullettino Comm. Arch.' for 1885, and as he has pieced it together from the extant ruins. Till the end of the fourth century the villa stood intact, with its splendid buildings and terraced gardens. Some time later, probably in the sixth century, it was deserted and left to decay. There is no sign that it was destroyed by violence. No mediaeval colony of cultivators seems ever to have sought the shelter of its walls, nor, as so often happened in the Campagna, was it ever adapted to the purposes of Christian church or monastery, or converted into the stronghold of a turbulent Campagna baron. Alone, on the desolate slopes looking across to the sea, it remained decaying and unvisited until, about 1884, the spade of the excavator laid bare the remains of its former splendour.

[1] [C. I. L. xiv. 2161, xv. p. 131.]

XIII

THE IMPERIAL DOMAINS AND THE COLONATE[1]

I

THOSE who are familiar with the mass of literature dealing with the vexed question of the origin of the 'colonate' heaped up by the industry and ingenuity of scholars since the time of von Savigny will probably turn with impatience from a fresh attempt to give a satisfactory answer. The excuse for these pages must be that at last a general agreement seems to exist as to the precise nature of the problem to be solved, and that inscriptions especially have supplemented our old and much-worn texts by fresh and important evidence.

The point which needs explanation may be briefly stated as follows: in the letters of the younger Pliny, and in the writings of jurists like Ulpian belonging to the early years of the third century, we meet with 'coloni' whose position has altered but little from that of the 'coloni' of Varro. They are free tenants occupying small holdings under terminable leases, paying rent in money, and at liberty to leave on the expiry of their lease. 'Colonus' and 'conductor' are still interchangeable terms,[2] and the colonate is still an institution of private not of public law. A century later we are suddenly confronted in the Codes with 'coloni' of a very different

[1] [An Inaugural Lecture, delivered in 1890, soon after Mr. Pelham's election to the Camden Professorship of Ancient History. Published by Frowde, London, 1890.]

[2] The 'colonus' in the Digest holds under the contract 'locatio—conductio', Dig. 19. 2. 9; 33. 7. 20, etc. Coulanges, L'Alleu et le domaine rural (Hist. des Instit. politiques de l'anc. France), pp. 61 sqq.

type. They are indeed 'free men', but are bound for ever to the soil: they are no longer 'conductores', but are carefully distinguished from them,[1] not only by the size of their holdings, but by the nature of their tenure; for they hold by no lease, whether terminable or perpetual. They moreover constitute a class, the status of which is fixed and defined by the public law of the empire. It is obviously unreasonable to suppose that this transformation was effected at a blow by the legislation of Constantine, and yet of previous legislation of the kind there is no trace. Assuming then, as we must, that this legislation merely recognized and stereotyped a 'custom of the land', well and widely established at the time, the question meets us, How did this custom arise? The transplantation of barbarians from beyond the frontier by Aurelian and Probus is not by itself a sufficient explanation.[2] It affected only certain districts, and it is separated by too short an interval of time from the legislation of Constantine to make it likely that it could have given rise to a custom so universal as that of the later colonate clearly was early in the fourth century. The view that the custom originated in the special agrarian conditions of Italy or of Africa [3] has still to account for its adoption in provinces where these conditions were wanting, and for the absence of all reference to it either in the private law or in the literature of the second and third centuries. M. de Coulanges, who rightly rejects these explanations as inadequate, has endeavoured to show [4] that the growth of the custom which altered the status of the 'colonus' may be partly explained by the depression through debt of the free 'coloni' to the level of tenants at will tied to the land by their arrears, and the elevation to the position of holders of land, of slaves and freedmen, whose immovability was a badge of their servile origin. But the traces of such

[1] This distinction is more fully explained below, p. 284.

[2] Heisterbergk, Die Entstehung d. Colonats. Leipzig, 1876.

[3] Rodbertus, in Hildebrand's Jahrbuch, 1864; Heisterbergk, op. cit. 92.

[4] Recherches, chaps. i–iv; L'Alleu, p. 69 note.

a process of depression and elevation which he has discovered in Pliny and in the Digest[1] are few and far between; nor do these changes seem to have operated widely enough to leave any clear mark on the private law of the third century, or to explain the imperial constitutions of the fourth.

It is, I believe, on the imperial domains and in the regulations established upon them that the 'custom of the land' on which the later legislation was based is to be found. It was, as will be shown, a custom in force upon Caesar's estates as early as the beginning of the second century, long before any traces of it are discoverable on private lands. The distribution of these estates over all parts of the empire gave this custom a currency far wider than was possible for any local or provincial usage. Their exemption from change of management and ownership gave it stability and permanence, while the quasi-official character necessarily attaching to regulations made by Caesar and enforced by imperial officials facilitated its final recognition as part of the public law of the empire.

The estates of Caesar filled an important place in the internal economy of the empire. Some of them had been 'public lands' of the Roman people in the republican period, and a very few, even in the second century A.D., were still so described,[2] though undoubtedly subject to the authority of Caesar.[3] Such was almost certainly the origin of great part of the extensive imperial domains in Apulia and Calabria,[4]

[1] Plin. Epp. 9. 37, where Pliny proposes to substitute payment in kind for payment in money, but still under a contract of 'locatio': 'Si non nummo sed partibus *locem*'; comp. ibid. 3. 19 as to the 'reliqua colonorum'. For the elevation of slaves and freedmen comp. Dig. 33. 7. 12; 'Servus, quasi colonus,' ibid. 7. 20; also Wilmanns, Ex. Inscr. Lat. 314 (109 A.D.), 'colonus libertus,' C. I. L. xi. 1. 600.

[2] Frontinus (Agrim., ed. Lachmann), 1, p. 21 'loca populi Romani'; comp. Siculus Flaccus, p. 137.

[3] Mommsen, Staatsrecht, ii. 929 sqq.

[4] For the extent of public land owned by the republic in Apulia and Calabria comp. Livy, 39. 29; Varro, De Re Rust. 2, passim.

in the old province of Africa,[1] and in the provinces of Asia, Bithynia, Macedonia, and Spain.[2] To these must be added the lands claimed by the Caesars in the provinces created under their rule, whether the crown lands of former rulers, as was probably the case with most of those belonging to Caesar, in Mauretania and Cappadocia,[3] or taken from native tribes, as in the Alpine valleys,[4] in Pannonia, and on the Rhine frontier. We have, lastly, the estates which were acquired either by inheritance,[5] or by the ruder method of confiscation.[6] But whatever the mode of acquisition, there is little room for doubt that in the second century, and still more in the third and fourth, there was no quarter of the empire in which Caesar was not the owner of considerable estates, while in some districts and provinces a considerable proportion of the entire area belonged to him. Such must have been the case in the Roman Campagna and Calabria, in Africa, and in Cappadocia.

It must also be remembered, if we are to appreciate the force which a custom established on Caesar's estates would possess, that these estates were not only ubiquitous, but when once they had passed into Caesar's hands, remained for centuries exempt from disintegration by changes of ownership and the chances of the market. There are instances of imperial estates which retained their identity unaltered from the first down to the fifth and sixth centuries, and which are discoverable later still as forming part of the patrimony of the Church, or the 'terra regis' of Frankish kings.[7]

[1] See the lex agraria of 111 B.C., C. I. L. i. 200; Cic. De L. Agr. 2. 19.

[2] Cic. De L. Agr. 2. 19.

[3] According to Justinian, Novellae (ed. v. Lingenthal), i, p. 263, about one half of the land in Cappadocia belonged to Caesar.

[4] Comp. the rescript of Claudius, Wilmanns, 2842 'agros plerosque et saltus mei iuris esse'. The district referred to was near Tridentum.

[5] As, for instance, the Thracian Chersonese, Dio 54. 29.

[6] e. g. in Africa, Plin. N. H. 18. 35; in the Campagna, Plin. Paneg. 50.

[7] e. g. the villa and estate of Lucullus (near Baiae) belonged to Julius Caesar, and remained imperial property until Constantine granted them to the

In addition to their ubiquity and their long-continued existence there is a third feature to be noticed as characteristic of the imperial domains; they are from first to last separated and set apart from all other land; they are managed exclusively by Caesar's officials, and the dwellers upon them, the 'men of the house of Augustus', as they are styled in the Theodosian Code, stand aloof as a distinct class from their neighbours. This separateness marks the whole system of management in all its branches. The central control in Rome was vested at first in two imperial bureaux. The old 'agri publici' belonged to the 'fiscus', and were as early as the reign of Claudius under the care of the fiscal 'libertus', and later of the fiscal 'procurator a rationibus'. The estates acquired by inheritance, and probably those also acquired by confiscation, were treated as the 'patrimonium Caesaris', and though possibly regarded as a department of the 'fiscus', were managed by a separate procurator.[1] But both these bureaux seem gradually to have withdrawn from the control of the domains in favour of the office of the 'res privata' created by Septimius Severus.[2] The 'procuratores patrimonii' are rarely met with after the beginning of the third century,[3] and in the Notitia Dignitatum all the landed estates of Caesar, with the exception of the mines, appear as subject to the 'comes rerum privatarum'.[4] In dependence upon the central officials in Rome were those who had charge of the various estate

See of Naples. Prof. Ramsay writes, of an estate in Cappadocia between Andabalis and Tyana, that it passed from the priests of Zeus Asmabaios to the Cappadocian kings, from them to the Roman emperors, and was claimed as imperial in 975 A.D. after having been long in Mohammedan hands, Hist. Geog. of Asia Minor, pp. 449, 348.

[1] Hirschfeld, Verwalt. Gesch. pp. 41 sqq. [ed. 2, pp. 40 seqq.]

[2] Vit. Severi, 12. [3] Dig. 30. 39.

[4] Not. Dig. (ed. Seeck) Or. 14. Under this officer are 'domus divinae, rationales rerum privatarum, praepositi gregum et stabulorum, procuratores saltuum'; comp. ibid. Occ. 12. The mines are under the 'comes sacrarum largitionum', ibid. Or. 13. In the Codes the phrases 'fundi' or 'agri fiscales', 'fundi patrimoniales', 'fundi rei privatae', are clearly interchangeable terms.

districts throughout the empire. These districts[1] ('tractus', 'regiones') varied in size, probably according to the number and importance of the imperial estates. Thus while the country round Ariminum formed one district by itself,[2] Etruria and Picenum are found united under a single procurator.[3] In Africa the comparatively large number of districts is explained by the known frequency there of imperial domains.[4] But only very rarely do these districts, whether small or great, coincide with the ordinary administrative divisions; nor, so far as we can judge, were the 'procuratores' in charge of them directly subordinate to the regular provincial authorities. These procurators have each their own bureau, usually stationed in the leading town of the district, at Ariminum, or Pola, or Carthage, and furnished with the ordinary staff of 'adiutores', 'tabularii', etc.[5] Here were kept all documents relating to the estates included in the district, maps showing the boundaries, registers of the slaves and 'coloni', leases granted to 'conductores', and the 'forms' fixing the conditions under which the 'coloni' held their lands. The procurator with his bureau constituted a 'house of Caesar', or, as it was styled in the courtly language of the second and following centuries, 'domus Augusta,' and more commonly 'domus divina'.[6]

[1] Mommsen, Hermes, xv, p. 400.

[2] C. I. L. xi, p. 77 'procurator privatae regionis Ariminensium'; comp. C. I. L. iii. 726 'procurator regionis Chersonesi'.

[3] C. I. L. iii. 1464.

[4] For the African districts see Mommsen, Hermes, xv. 399; Eph. Epig. v. 111, and vii. 220, 229. Besides Carthage, Hadrumetum, Hippo, Theveste, Leptis, Thugga, were all centres of separate districts.

[5] Comp. the inscriptions relating to the bureau at Pola (Istria), C. I. L. v. 27–41; and Hirschfeld, Verwaltungsgesch., pp. 41 sqq.

[6] C. I. L. xii. 4449 (Narbo) mentions the 'familia tabellariorum Caesaris nostri quae sunt Narbone in domu'. The inscription appears to be of the Augustan period [or at least the first century]. Both 'domus divina' and 'domus Augusta' are frequent in the Codes. Cod. Th. 5. 13 'de fundis rei privatae et saltibus divinae domus'; Not. Dig. Or. 14 'domus divinae', 10 'domus divina per Cappadociam'; Cod. Th. 6. 30 'comes domorum

The individual estates were no less sharply distinguished, as separate domains owning no lord but Caesar. Though often lying geographically within the boundaries of a municipal territory, they were strictly extraterritorial,[1] and were not subject to municipal jurisdiction. Within the limits of each estate the supreme authority belongs to the resident procurator of Caesar, who, unlike the district-procurator, is usually a freedman.[2] He is, to all intents and purposes, the chief magistrate of these territories of Caesar, though amenable, of course, to the higher officials in the department of the 'res privata', and to Caesar himself. Disputes arising within the domain were decided by him. It was his duty to protect the estate, and the men of Caesar resident upon it, from all external injury and violence,[3] with the aid either of the 'rangers' of the estate ('saltuarii'[4]) or even of regular troops.[5] He ordered the construction of public works, and supervised their execution.[6] It was he who dedicated altars and temples.[7] In some cases his resemblance to the chief

per Cappadociam'; Not. Dig. Occ. 12. 16 'rationalis rei privatae fundorum domus divinae per Africam'. Comp. also Cod. Th. 10. 3. 6; 10. 4.

[1] Hermes, xv. 392; with the inscription there given from Numidia comp. Bull, Corresp. Hell. 1883, p. 313, 'fines Caesaris n.' Prof. Ramsay, in Antiquities of S. Phrygia, p. 47, publishes an inscription recording the settlement of the boundary between the territory of the Sagalassi, and a Κώμη Νέρωνος Κλανδίου Καίσαρος (American Journal of Archaeology, iv. 267).

[2] C. I. L. viii. 587 'iubente Provinciale Aug. lib. proc(uratore)'. Mommsen, Hermes, xv. 400, 401.

[3] Dig. 1. 19 (Ant. Pius) 'si tamen quasi tumultuosum vel iniuriosum adversus colonos Caesaris prohibuerint (sc. procuratores) in praedia Caesariana accedere, abstinere debebit'.

[4] The meaning of 'saltuarius' is fixed by Dig. 33. 7. 12, which mentions two classes: (1) 'fructuum servandorum gratia'; (2) 'finium custodiendorum causa' (comp. ibid. 7. 8. 16). They cannot have been as Mommsen suggests, Hermes, xv. 401 'die Vorläufer der Procuratoren'. The Greek equivalent was ὀροφύλακες (see Corp. Gloss. Lat. ed. Goetz, 2. 177 'saltarius' = ὀρεοφύλαξ) or παραφυλακῖται, C. I. G. 4366.

[5] C. I. L. viii. 10570 'missis militibus'; cf. Eph. Epig. v, No. 490.

[6] C. I. L. viii. 8701, 8828, 8809. [7] C. I. L. viii. 8702. 587.

magistrate of an ordinary municipality was carried a step further still. The 'people of the Ormeleis', the 'coloni' of an imperial estate in Phrygia, date the year by the 'procurator', as the Republic of Rome did by the consuls.[1]

The 'coloni' forming the 'people' ('plebs', 'populus') over whom the procurator ruled, constituted a community by themselves. Early in the third century the 'coloni Caesaris' were declared exempt from municipal burdens.[2] In civil disputes with parties outside the estate they were defended by the imperial 'defensor domus nostrae'. In criminal cases they were produced in court by the procurator.[3] The value of these privileges and their liability to abuse are well illustrated by a constitution of 426 A.D., which cautions the 'homines domus Augustae' against undue pride and insolence.[4]

Enough has been said to show that these estates supplied the Caesars with a vast field in which they could freely work out an economic policy on a truly imperial scale, and that customary regulations established by them on these domains would not only acquire stability and authority, but would influence practice in all parts of the empire to an extent impossible for any strictly private or local usage.

We have next to consider what evidence there is that such a custom as may be supposed to have preceded the legislation of the fourth century was in force upon Caesar's estates as early as the second century.

Few of the inscriptions discovered during the last ten years are of greater interest than the one found in 1880[5] on an imperial estate, the Saltus Burunitanus, situated in the old province of Africa, and in the 'tractus Carthagi-

[1] Sterrett, Epig. Journey (Boston, U. S. A. 1888), No. 43, ἐπὶ ἐπιτρόπου, cf. Nos. 45, 46.

[2] Dig. 50. 6 'coloni Caesaris a muneribus liberantur'.

[3] Cod. Th. 10. 4. 3.

[4] Cod. Th. 10. 26 'de conductoribus et hominibus domus Augustae'.

[5] It has been published and discussed by Mommsen, Hermes, xv. pp. 385–411. Coulanges, Recherches, pp. 33 sqq. C. I. L. viii. 10570.

niensis.'[1] The inscription is not complete, but the extant portions contain (1) a petition addressed by the 'coloni' to their lord Caesar, the emperor Commodus, praying that he will redress the wrongs inflicted upon them by the 'conductor', at whose exactions their natural protector, the imperial procurator, has connived;[2] (2) the rescript of Commodus, granting the relief asked for; (3) a letter from Tussanius Aristo, apparently the district procurator,[3] addressed to the procurator of this particular 'saltus' (Andronicus), forwarding the imperial reply. Finally the correspondence seems to have been engraved, and set up in evidence on the estate, at the expense of the 'coloni' and under the supervision of their 'headman' ('magister').[4]

To appreciate the importance of the glimpse which this inscription gives us into the interior of an imperial domain in the second century, it is necessary to glance for a moment both at the system commonly in force at the same period on private estates and at that which prevailed upon estates of Caesar and to some extent upon private estates also two centuries later. We shall find that the arrangements of the Saltus Burunitanus resemble the latter far more closely than the former system.

Setting aside, as beyond the plan of the present inquiry, such lands as were let on perpetual leases,[5] the private estate of the second century was, as is well known, divided into two portions, one of which, containing the villa itself, was worked

[1] Inscr. 3, l. 10 'littere... quae sunt in tabulario tuo tractus Karthaginiensis'.

[2] Inscr. 2. 10 'conductoris artibus gratiosissimi... indulserit'.

[3] The letter is dated from Carthage, where the district bureau was stationed, 4. 24.

[4] Inscr. ad fin. 'feliciter consummata et dedicata idibus Mais Aureliano et Corneliano coss. Cura agente C. Iulio ... ope Salaputi magistro'. It was probably engraved upon the base of an altar. Mommsen, Hermes, xv. 391.

[5] It is noticeable that this tenure seems to have come into operation first on the lands of the Roman state or of corporations: see Rein, Privatrecht, pp. 342, 343, and the references given there, esp. Gaius 3. 145, Dig. 39. 4, 11.

by slaves under the oversight of a 'villicus' or 'actor', or both, while the other was in the occupation of free 'coloni'[1] either dwelling together in small village-like groups, or residing apart on their holdings in single cottages.[2] These 'coloni' were as a rule small holders, but held, as has been already said, by lease, and paid rent in money.[3] When, however, we turn to the imperial domains of the fourth century we find a different arrangement. There are indeed points of similarity. We read of lands leased in perpetuity by the old 'locatio in perpetuum', or held under the kindred tenure of emphyteusis.[4] The distinction, moreover, reappears between the demesne proper, including the villa, with its 'familia' of slaves, under an 'actor', and the portion occupied by 'coloni',[5] a distinction retained in Gaul under Frankish rule,[6] and on the estates in Italy and elsewhere, belonging to the patrimony of the Church.[7]

But in the first place a new element is visible in the person of the 'conductor'; for while the 'coloni' on private estates in the second century are legally 'conductores' and are frequently so called, on an imperial estate in the fourth century we find one or more 'conductores' who are clearly distinguishable from the 'coloni'. The term 'conductor' is now reserved for the lessee of the demesne proper, as distinct from the portions of the estate held by 'coloni'.[8] He was frequently a man of substance and

[1] Dig. 20. 1. 32 'pars sine colonis fuit eaque (sc. praedia) actori colenda debitor tradidit adsignatis et servis culturae necessariis', Plin. Epp. 3. 19.

[2] Comp. the 'coloniae' and 'casae' of the Tabulae Alimentariae, esp. the Table of Veleia. C. I. L. xi. 1147.

[3] Plin. Epp. 7. 30, 9. 37, 10. 8; Dig. 19. 2. 25; 33. 7. 20.

[4] Rein, Privatrecht, 344.

[5] Coulanges, L'Alleu, p. 80; for 'actores' comp. Cod. Th. 1. 11, 2. 30, 31, 10. 4.

[6] Coulanges, L'Alleu, p. 360.

[7] Deusdedit, Canones, p. 299 'colonis et familiae massarum'.

[8] Coulanges, Recherches, p. 38; Mommsen, Hermes, xv. 406: see also below.

capital, standing in rank and importance far above the latter. As lessee of the 'demesne' and enjoying probably certain rights to the use of the villa, he was naturally brought into connexion, not only with the procurator, but still more closely with the 'actor', as the person immediately in charge of the villa and the slave establishment.[1] It would seem, in other words, that for the older system, by which the villa and demesne were worked directly by the 'actor' and slaves of the owner, a different one had been substituted, by which the exploitation of at least a great part of the demesne, with a certain use of the villa, was leased to a middleman. Such an arrangement was obviously specially well suited to develop the resources of wide-stretching domains such as those of Caesar,[2] and from these it seems to have spread to the larger private estates.[3] Secondly, if the imperial lessee of the 'demesne' is a novelty, so also is the position of the 'coloni'. These have ceased to be 'lessees'. They are now small holders, bound for ever to the soil, and paying rent in kind to Caesar. Of this new system no clear traces can be found on private estates in the literature or in the law of the second and third centuries, while it meets us as a well-understood arrangement in the Codes and in the literature of the fifth century. But we learn from the inscription of the Saltus Burunitanus that this was in all essentials the system at work upon an imperial estate as far back as the reign of Hadrian.

The petitioners whose prayer to the emperor is given in that inscription are 'coloni',[4] and some of them at least are 'cives Romani'.[5] They describe themselves as humble country-folk ('homines rustici et tenues') labouring with their

[1] Cod. Th. 1. 11. 2 'actores seu conductores dominicos'; ibid. 10. 4 'de actoribus et procuratoribus et conductoribus rei privatae'.

[2] e. g. in Apulia and Calabria; Cassiod. Var. 1. 16, 5. 31.

[3] Coulanges, L'Alleu, p. 68; Cod. Th. 2. 31 'servo, colono, conductori, procuratori, actorive' (422 A. D.).

[4] C. I. L. viii. 10570, 3. 7.

[5] Ibid. 2. 14.

own hands,[1] and as the born servants of Caesar ('vernulae').[2] The tenure by which they hold their plots of land proves their position to have been essentially different from that of the 'coloni' (='conductores') on the estates of the younger Pliny. No hint is given of a lease long or short, or of any rent in money, but in support of their case they appeal to a 'lex Hadriani',[3] a copy of which engraved upon a bronze tablet was, they state, to be seen on the estate,[4] and to which the rescript of Commodus refers as the 'forma perpetua'.[5] This 'perpetual agreement', made some fifty years before, had apparently fixed for all time the conditions under which 'coloni' on the estate should hold their land. No less remarkable are these conditions themselves. The 'coloni' are liable in the first place to pay certain 'partes agrariae', i.e., as de Coulanges rightly supposes, a fixed yearly portion of the produce of their holdings, and in the second to render certain services with their own hands and with their teams on the 'demesne'.[6] These were limited by the terms of the 'forma perpetua' to six days' labour in the year for each

[1] Ibid. 3. 18.

[2] Ibid. 3. 28 'rustici tui vernulae et alumni saltum tuorum'.

[3] Ibid. 3. 4 'ut kapite legis Hadriane quod supra scriptum est': the part of the inscription containing the 'lex' is lost.

[4] Ibid. 3. 14 'in aere inciso'.

[5] Ibid. 4. 7 'ne quit contra perpetuam formam a vobis exigatur'.

[6] Ibid. 3. 6 'ademptum est ius etiam procuratoribus, nedum conductori, adversus colonos ampliandi partes agrarias aut operarum praebitionem iugorumve'. Mommsen (Hermes, xv. 402) takes 'partes agrariae' as a general term including the two kinds of service ('operarum—iugorumve'). It is indeed clear from the inscription that it is only with these services that the 'conductor' is concerned, and only these are consequently referred to in Commodus's rescript. But it is inconceivable that the 'coloni' should not also have paid something to Caesar for their holdings, and with the 'partes agrariae' we may compare the 'agraticum' of the Theodosian Code (7. 20. 11), and the epithet 'partiarius', Dig. 19. 2. 25. For the 'operarum praebitio' comp. C. Just. 11. 53. 1 'redhibitio operarum'. See also Coulanges, L'Alleu, pp. 408 sqq. for the services of 'coloni' on the demesne ('dominicum') in Merovingian Gaul.

'colonus', two at ploughing time, two at sowing time, and two at harvest;[1] as to the 'praebitio iugorum', no details are given. The complaint of the 'coloni' is that the 'conductor', with the connivance of the 'procurator', has endeavoured to exact additional service, and Commodus enacts 'ne plus quam ter binas operas curabunt'.[2] The 'conductor' himself, Allius Maximus, is described as 'very influential' ('gratiosissimus') and as able by means of his wealth to secure the support of the 'procurator'. It is clear, moreover, that he held by a terminable lease, for there is a reference to previous 'conductores'.[3] Finally the resident 'procurator' of Caesar is evidently the supreme official on the estate, exercising authority over the 'coloni' and bound to see that the conditions of the 'forma perpetua' are not violated either by them or by the 'conductor'.[4]

Here then, with the exception of the 'actor' and the 'familia' of slaves, we have the essential features of the fourth-century system anticipated upon an imperial estate as early as the time of Hadrian. Nor does the instance of the Saltus Burunitanus stand alone. The 'coloni' of Caesar and the 'procurator' of Caesar reappear elsewhere in the African provinces on inscriptions of the second and third centuries, and it issignificant that the 'coloni' are represented as labouring upon works on the estate under the orders of the procurator.[5]

[1] C. I. L. viii. 10570, 3. 11 'non amplius annuas quam binas aratorias, binas sartorias, binas messorias operas debeamus'. Comp. the services of 'villani' in England. Seebohm, Eng. Vill. Community, pp. 41 and 399.

[2] C. I. L. viii. 10570, 4. 6.

[3] Ibid. 2. 2 and 3. 22 'per vices successionis'.

[4] Ibid. 2. 11, 3. 22.

[5] C. I. L. viii. 587 'coloni saltus Massipiani aedificia vetustate conlapsa s(ua) p(ecunia) restituerunt . . . iubente Provinciale Aug(usti) lib(erto) proc(uratore)' (aet. Caracalla). 8701 'Imp. Caesar M. Aurelius Severus Alexander . . . muros kastelli Dianesis extruxit per colonos eiusdem castelli' (234 A. D.). 8702 'per proc(uratorem) Aug(usti) coloni domini n(ostri) posuerunt' (191 A. D.). 8777 'pro salute . . . Imp. Caes. M. Anton. Gordiani . . . totiusque domus divinae muru(s) constitutu(s) a solo a colonis eius castelli' (243 A. D.). Comp. also ibid. 8425, 8426. In the ninth century (A. D.) the 'coloni' of the

The researches of Prof. Ramsay have brought to light the existence on the south-eastern frontier of Phrygia of a vast imperial estate.[1] The inscriptions relating to it date from 218 A.D., and reveal an organization similar to that of the Saltus Burunitanus. The 'coloni' who erect the inscriptions style themselves the δῆμος Ὀρμηλέων,[2] and pray for the safety of the emperor Elagabalus, and his wife Annia Faustina.[3] They reckon by an era of their own (39 A. D.), which Prof. Ramsay suggests may have been that of the organization of the estate,[4] and possibly of the promulgation of the 'forma perpetua' determining the position and obligations of the 'coloni'. The inscriptions also mention not only the imperial 'procurator' but the 'actor' and 'conductor', and these three important personages are, as it were, the eponymous magistrates of the year.[5] The 'procurator' was probably, like the 'Andronicus' of the Saltus Burunitanus, an imperial freedman. The 'actores' (πραγματευταί) are slaves;[6] the 'conductores' (μισθωταί) apparently 'ingenui', though the name of one (Claudius Abascantus)

papal 'domus culta' Capracorum built a portion of the Leonine walls. Gregorovius, Gesch. d. Stadt Rom, ii. 383.

[1] Ramsay, Antiq. of S. Phrygia, p. 47 = Amer. Journ. Archaeol. iv. 267; Sterrett, Epigraph. Journey in Asia Minor (Boston, U. S. A. 1888), pp. 48 sqq.

[2] Sterrett, p. 48. Comp. the 'populus plebeius' on private 'saltus'. Frontinus, Agrim. (ed. Lachmann), p. 53, and C.I.L. iii. 7380 'numini domus Augustae Ti. Claudius Faustus ... balneum populo et familiai Caesaris n(ostri)', where 'populus' = the 'coloni' of the imperial estate (Thracian Chersonese). Compare the use of 'plebs' = 'coloni' in Papal grants of the eighth and ninth centuries.

[3] Sterrett, ibid., (ὑ)πὲρ σωτηρίας αὐτῶν κα(ὶ) σωτηρίας Σεβήρου καὶ Φαυστείνης καὶ δήμο(υ) Ὀρμηλέων.

[4] Ramsay, Ant. S. Phrygia, p. 47. On one portion of the estate a κώμη or 'vicus' belonging to the emperor Nero is mentioned.

[5] Sterrett, p. 56, ἐπὶ ἐ(πιτρόπου) Κριτοβούλου ἐπὶ (πραγματ)ευτῶν Ἀβασκάν-(του καὶ Ἀ)νθίνου καὶ Μαρ(κελλίω)νος, ἐπὶ μισθωτῶν (Κλαυδ)ίου Ἀβασκάντου καὶ (Μήνιδ)ος Νεικάδου Ἡρα(κλεί)δου καὶ Νεικάδου δίς.

[6] For the identity of the 'actores' with the πραγματευταί comp. Scaevola, ap. Digest. 40. 5. 41, and also Corp. Gloss. ii. 14 'actor' = πραγματευτής.

suggests descent from a freedman of one of the Claudian emperors. There is, moreover, an evident connexion between the 'actor' as the slave-steward in charge of the villa, and the 'conductor' who, with the lease of the 'demesne', has also certain rights of use over the villa. This large estate, though supervised by a single 'procurator', contained apparently three separate 'villae' with their respective demesnes, and we get in consequence a corresponding number of 'actores' and 'conductores'. It is possible also that the 'coloni' were grouped in three distinct 'vici'. The inscriptions further mention the 'saltuarii' (ὀροφύλακες),[1] who assisted the 'procurator' in guarding the frontiers. Lastly, the 'people of the Ormeleis', though not a 'civitas', enjoyed, like the 'coloni' on the African estates, a communal existence. They had their 'headmen',[2] their villages, their religious guilds and priests,[3] and they contributed to a common fund.[4]

The Digest, which as we have seen knows only of 'coloni' as lessees ('conductores') under the ordinary contract of 'locatio—conductio', throws no light on the special customs of the imperial estates. The passages in which reference is made to 'coloni Caesaris' are concerned only with the question of their liability to municipal burdens,[5] and with the right of the 'procurator' to protect them against intruders.[6] They are consequently of value merely as illustrating the separate and distinct position of these 'coloni', a fact of some importance in itself.

From the 'Liber Coloniarum', however, it is possible to extract evidence which has a direct bearing on the origin of the custom implied in the inscription of the Saltus Buruni-

[1] Sterrett, p. 97, No. 65; p. 166, No. 156.

[2] The προάγων, Sterrett, Nos. 43, 75, can hardly be anything but the equivalent of the 'magister' ('vici') of the Saltus Burunitanus.

[3] Sterrett, 46, mentions a guild of the worshippers of Zeus Sabazios, and gives the name of the (?) yearly priests, e.g. ἱερατεύοντος Κιδράμαντος.

[4] Sterrett, 47–50.

[5] Dig. 50. 1. 38; ibid. 50. 6.

[6] Ibid. 1. 19.

tanus, by which 'coloni' were planted by the emperors on their own estates, without lease, but under permanently fixed conditions. In several passages it speaks of 'coloni' settled upon land by the emperors in a manner clearly distinct alike from the old-fashioned 'colonization' and from 'leasing'. The 'coloni' are described as 'coloni imperatoris' or 'coloni sui', and the 'lands' are apparently imperial estates. Thus under 'Abella'[1] we read 'coloni vel familia imperatoris Vespasiani iussu eius acceperunt'; under Nola,[2] 'colonis et familiae (Vespasiani) est adiudicatus (ager)'; under Lanuvium,[3] 'imp. Hadrianus colonis suis agrum adsignari iussit'; under 'Ager Ostensis',[4] 'ab imperatoribus Vespasiano, Traiano et Hadriano . . . colonis eorum adsignatus'. It is noticeable that these settlements are all in Campania and in the Roman Campagna, districts in which the emperors of the first and second centuries are known to have had extensive possessions.[5]

They are, moreover, connected with the names of Vespasian, Trajan, and Hadrian, from the last of whom dates the 'forma perpetua' of the Saltus Burunitanus, while it is in a rescript of Hadrian's immediate successor, Antoninus Pius, that the first mention of 'coloni Caesaris' occurs in the Digest.[6] They are connected, in other words, with those emperors to whom was due an heroic and partially successful effort to replace the extravagance of the Neronian age by careful economy, and to husband and to develop resources which recent experience had shown to be no longer inexhaustible. In pursuance of this policy they devoted their attention to the already vast domains of Caesar. The latter were carefully

[1] Agrimensores (ed. Lachmann), i, p. 230.

[2] Ibid. p. 236. [3] Ibid. p. 235. [4] Ibid. p. 236.

[5] C. I. L. x. 6081 'procurator tractus Campaniae'. Augustus possessed an estate at Nola; Suet. Aug. 100. A 'procurator' of Vespasian there is mentioned, C. I. L. x. 1261. For Lanuvium see Suet. Aug. 72, Hist. Aug. vita Pii, 1. 8. Cf. Plin. Paneg. 50.

[6] Dig. 1. 19.

resurveyed, their boundaries fixed, and private encroachments checked.[1] The procuratorial system was developed and extended.[2] Manufactories of brick, tiles, and waterpipes were started,[3] and every effort was made to increase the productiveness of tracts of land till then lying waste or only imperfectly cultivated. For the attainment of this end such an arrangement as that which Hadrian effected on the Saltus Burunitanus was well adapted. The 'conductor' brought his capital and skill to the profitable exploitation of the 'demesne'. The 'coloni' supplied a resident free population, who not only cultivated their own small holdings, but whose services were available for the demesne itself, and this in an age when capital was scarce, and population already showing signs of decline, when, too, slave-labour was not only becoming difficult to procure, but was beginning to be viewed with disfavour by economists.

We may then venture to connect with the general economic policy of the emperors of the latter half of the first and the beginning of the second century the custom of the land established by Hadrian in Africa, the essential feature of which lay in the substitution for the ordinary 'coloni' holding under terminable leases, of 'coloni' holding under a 'perpetual form'. We have next to consider how this tenure may have been gradually assimilated to that which we find in the Codes, under which the 'coloni' are by law bound to the soil.

The advantages connected with the existence upon the land of a fixed and permanent body of hereditary 'coloni', which were recognized by Columella,[4] must have been obvious to the Caesars of the second and third centuries. On their estates in the Roman Campagna the necessity of reform was

[1] Agrim. i. p. 211 'ab imp. Vespasiano censita'. Ibid. p. 122 'lapides inscripti nomine divi Vespasiani sub clausula tali, occupati a privatis fines: P. R. restituit' (Cyrenaica). Ibid. p. 261; C. I. L. x. 1018, 3828.

[2] Hirschfeld, p. 291 [ed. 2, p. 478]; Schiller, Gesch. d. Kaiserzeit, i. 620.

[3] See the interesting article by Dressel, Bullettino di Corrisp. Arch. 1885.

[4] Columella, i. 7.

urgent,[1] and for the amelioration of the Campagna no more effective means have ever been discovered than that of planting on its soil a numerous population of small cultivators. The agricultural settlements of Vespasian, Trajan, and Hadrian only anticipated the efforts repeatedly made under the earlier Popes, whose agrarian 'colonies' and 'domus cultae' for a time repaired the ravages of Goths and Lombards,[2] and renewed in the present century. The aim common to them all cannot be better defined than in the words of Pius VII :[3] 'avere dei coltivatori inerenti sempre e fissi alla gleba.' But it was not only in the Campagna, half wasted as it was by the extravagance and mismanagement of the noble owners whom the confiscations of Nero and Domitian had dispossessed, that such a policy was desirable. Of the wide domains of Caesar in the provinces a considerable proportion lay in districts thinly populated, partially cultivated, and often remote from any urban centre, for the reclamation or cultivation of which no better method could be found.

It is, moreover, easy to see that the special circumstances of the imperial domains would tend to fasten the 'coloni' planted upon them to the soil more easily and securely than would be possible upon private estates. Such an arrangement as that of the 'forma perpetua' described above would be scarcely practicable upon lands subject to frequent changes of ownership and to the chances of the market, and in a period when the civil law recognized no such tenure. On the lands of Caesar it was both desirable and feasible. And while the 'coloni' themselves possessed in the continuous ownership of Caesar a guarantee for the fixity of the custom under which they held, they found good reasons for remaining on the soil in the solid advantages attached to their position, in their exemption from municipal burdens, and in the security

[1] Plin. Paneg. 50, of Trajan's reforms, 'nec iam clarissimorum virorum receptacula habitatore servo teruntur aut foeda vastitate procumbunt.'

[2] Gregorovius, Gesch. d. Stadt Rom, ii. 265, 377.

[3] Quoted by G. Pinto, L'Agro Romano, p. 101 (Roma, 1882).

afforded by imperial protection. Nor can it be doubted that the whole weight of the imperial authority would be thrown in the direction of discouraging and checking migration. In many cases, too, other than economic reasons may have led to restrictions being placed upon the freedom of Caesar's 'coloni' in this respect. In not a few instances these 'coloni' were apparently the former owners of the soil, who had been allowed to remain and cultivate the land as tenants—or were conquered tribesmen transplanted there as a punishment. In both cases policy would naturally require that they should be strictly subordinated to the authority of the 'procurator', and confined within the limits of the 'reservations' thus assigned to them. In Numidia and Mauretania,[1] on the Rhine frontier,[2] and in Asia Minor,[3] we meet with groups of imperial 'coloni' whose barbarian and tribal names mark them as belonging to this class. The system by which Aurelian and Probus planted barbarians upon private lands within the empire may thus be regarded as merely an extension of that already in working upon the imperial domains under previous emperors.

We have noticed the existence in the second and third centuries upon the imperial estates of a custom involving directly fixed and unchanging conditions of tenure, and of substantial reasons, economic and political, in favour of extending this characteristic of fixity from the conditions of tenure to the tenants themselves.

Of the regulations by which the Caesars finally bound their own 'coloni' to the soil we know nothing. But it is not difficult to understand how the rules of Caesar's estates might become law for the empire: widely distributed as these estates were over all parts of that empire, the rules in force upon them would acquire a wide notoriety and exert a powerful

[1] C. I. L. viii. 8426 'coloni . . . Kalefacelenses et Pardalarienses' on the 'Saltus Horreorum'. Ibid. viii. 9228, Uzinazenses; comp. ibid. 8812. For the transplantation of a portion of the Musulamii to an imperial reservation in the 'tractus Thevestinus' see Ephem. Epigr. ii. 279, and C. I. L. viii. 5351.

[2] [C. I. L. xiii. 5317, 6329, 7270, 8518.]

[3] See inscriptions referred to above, Sterrett, Epig. Journey, Nos. 43 sqq.

influence upon the practice of ordinary owners. These rules, moreover, though technically private and extra-legal, would, as emanating from the imperial authority and enforced by imperial officers, wear a quasi-official character, which, added to their stability, would raise them very nearly to the level of law in a period when law itself was coming to be little more than imperial edict. Such legislation would be entirely in accord with the spirit of that gradual but all important revolution which not only transformed Caesar himself into a monarch, but raised his private friends and personal servants to the rank of state officials. It must also be borne in mind that motives similar to those which probably prompted the desire of the Caesars in the second century to fix a resident population of cultivators upon their estates were evidently operating over a wider area at the close of that and in the following century. Prof. Mommsen has justly remarked[1] that the legislation which in the fourth century bound the 'colonus' to the soil cannot be separated from that 'which in the guilds, in the army, in the decurionate, substituted a permanent and hereditary obligation for a voluntary or terminable service.' Behind them both lay the desire, in a period of declining energy and of increasing administrative centralization, to apportion precisely and fix permanently the status and obligations of individuals and classes. Nor is it unreasonable to suppose that such a policy would be first applied by the imperial government, in the case where the need for it was first and most severely felt, that of the cultivators of the soil, on lands over which it possessed absolute control, and where no legislation in the ordinary sense was required for its execution. Its extension to 'coloni' generally, and further still to other classes of the population of the empire, would be easy and natural. It involved merely the application by Caesar and his officers to a larger area of principles already applied by them on Caesar's own estates.[2]

[1] Hermes, xv. 410.

[2] Comp. esp. Coulanges' (Recherches, p. 31) remarks on Paulus, Sent. v. 1.

The theory propounded in the foregoing pages may be briefly summoned up as follows. The system of management and the form of tenure which appear constantly in the fourth-century Codes in connexion with the colonate, though apparently unrecognized by the law of the third century as represented in the Digest, are known to have existed upon the domains of Caesar as early as the commencement of the second century, and their introduction upon these domains can be connected with the economic policy pursued by the emperors of the time, and especially by Hadrian. The position assigned to the 'coloni' of Caesar under this system was one which lent itself easily to a gradual assimilation with that occupied by the 'coloni' generally in the fourth century. The wide distribution of the imperial domains, the stability and quasi-official character of their management, would facilitate both the adoption of the regulations in force upon them by private owners, and also the elevation of these regulations to the rank of law. Finally, as circumstances showed the advisability of pursuing on a larger scale the policy which had dictated these regulations for Caesar's own estates, their application would be extended to the whole area of the empire.

II

It may be of interest briefly to call attention here to another phase in the history both of the imperial domains and of the colonate, the gradual elevation of the agricultural settlements of 'coloni' settled upon Caesar's estates to the rank and dignity of 'civitates'. On these estates, as upon those of private owners, the 'coloni' were usually grouped in communities resembling somewhat the English townships.[1]

The registration there mentioned ('descriptio') of 'coloni' on imperial estates 'inter fiscalem familiam' may well have been a precedent for the official registration ('censibus adscriptio') of the fourth century.

[1] Frontinus, Agrim. p. 53.

These townships were sometimes open villages; sometimes rudely fortified 'castella'.[1] In thinly populated and insecure districts the settlement clustered around a 'turris' or 'burgus'[2] (πύργος), which cannot have been unlike a Border 'peel tower'. In the corn-growing districts the centre was not unfrequently a great imperial granary.[3] These 'vici', 'castella', and 'burgi' of Caesar's 'coloni' often take their name from the estate itself,[4] or from the native tribe which once owned the land.[5] Occasionally they reveal their origin by bearing the name of an emperor,[6] or by such appellations as 'vicus Augusti', 'vicus Augustanus', 'turres Caesaris', θεία κώμη.[7]

Politically the position of these townships of Caesar differed in one important respect from that of ordinary 'vici' and 'castella'. Though like the latter they did not enjoy the 'dignitas civitatis', yet unlike them they were not assigned or 'attributed' to any 'municipium'. They are 'extra municipal' and subject to no authority but that of Caesar and his procurators. They possessed, however, a communal organization. They had their 'headmen', priests, and priestesses. Their members met to discuss affairs of interest and draw up petitions. They erected at the common expense shrines, altars, and public buildings, and they subscribed for common purposes.[8]

A step in advance was marked when such a township

[1] C. I. L. viii. 8426, 8701, 8777; comp. the fortified villages on the private demesne of the king in England and the 'castra' of the Roman Campagna in the ninth and tenth centuries.

[2] C. I. L. viii. 8991, 9228.

[3] e. g. C. I. L. viii. 8426 'caput Saltus Horreorum'.

[4] Hierocles gives such names as Χωρία Πατριμονιά[λια], Κλῆρος Ὀρεινῆς, Κτῆμα φυλάκαιον, according to a correction, [Ramsay, Hist. Geogr. of Asia Minor, pp. 143, 178, 422].

[5] See supra, p. 293.

[6] Κώμη Νέρωνος Κλαυδίου Καίσαρος, Ramsay, Antiq. of S. Phrygia, 47; 'castellum Aurelianense Antoninianense,' C. I. L. viii. 8426; 'vicus Aurelii,' Tab. Peut., Wilmanns, 2255. Comp. C. I. L. x. 8261.

[7] C. I. L. viii. 2568, 4205, 8991; xiv. 2040.

[8] See supra, p. 289.

obtained market rights ('ius nundinarum'). These were granted to the townships of Caesar by Caesar himself,[1] probably from motives similar to those which led English kings to set up markets on the Crown demesne.[2] In any case the establishment of a market gave an impulse to the growth of the township by encouraging industry and attracting traders.[3]

We may suspect that in some cases at least a further stage in the development of these communities was reached when the emperor by sale or free grant transformed the 'coloni' into owners, and by consequence the dependent township into a free one, a practice explicitly referred to in the Codes, e. g. Cod. Iust. xi. 68. 6 'quoties alicui colonorum agrum privati patrimonii nostri placuerit venumdari'.[4] It is difficult not to suppose that some at all events of the 'free townships' known to have existed in the fourth and fifth centuries originated in this manner.[5] They are styled 'vici publici',[6] or κῶμαι ἐλεύθεροι,[7] and are composed of a number of small proprietors, 'vicani propria possidentes,'[8] who, however, may not transfer their holdings to any person not already a resident in the township.[9] What proportion of the dependent townships on the imperial domains passed through this intermediate stage on the way to full civic dignity cannot be determined. But that the 'dignitas civitatis' was finally reached by a considerable number is certain. Nor is this surprising when

[1] Dig. 50. 11. 1; C. I. L. iii. 4121, viii. 6357.

[2] See Report of Commission on Market-tolls (Reports of Commissioners, 1888, vol. 53, pp. 95 foll.), Elton's Introduction.

[3] A recently discovered fragment of the inscription relating to the Saltus Burunitanus mentions the 'tabernae' of the traders; Ephem. Epig. v, p. 323.

[4] Comp. Cod. Th. 5. 14, 10. 1. It might be inferred from these passages that in some cases the land was granted on the tenure of emphyteusis.

[5] Kuhn, Verfassung d. römischen Reichs, i. 271.

[6] Cod. Th. 11. 24. 6.

[7] Nov. Iust. cxi (lxxxix. Schöll). 2. 2 οὐ πολίτης, ἐκ χωρίου δέ τινος ἐλεύθερου ἢ κώμης.

[8] Cod. Th. 11. 24; Libanius (ed. Reiske) ii. 507 ἑκάστου μέρος οὐ πολὺ κεκτημένου.

[9] Cod. Th. 11. 24. 4; C. Iust. xi. 53.

we remember the special advantages which they possessed. Their exemption from all municipal and from some fiscal burdens, the security against violence afforded by the presence of Caesar's procurator as well as by the powerful patronage of the imperial 'defensor', and of the emperor himself, and finally the prestige enjoyed by 'men of the house of Augustus' would all tend to increase their prosperity and their populousness. On the other hand the policy of freely granting charters of incorporation was one which all emperors from Vespasian onwards followed with more or less consistency, as tending to develop the energies and advance the civilization of the empire,[1] while to those of the fourth and fifth centuries it commended itself on administrative grounds also, as involving the wider diffusion of the system on which the fabric of imperial government had come to rest, that of the 'curiales'.[2]

Among cases where 'civitates' appear to have developed out of dependent townships of 'coloni' on Caesar's estates the following may be mentioned:—

(1) In *Africa*. *Castellum Lemellense* (C. I. L. viii. 8808, Tab. Peut.) is a 'municipium' in the reign of Philip (244 A. D., C. I. L. viii. 8809), and has a bishop in the African lists of the fifth century. The following may, for the reason last mentioned, be also assumed to have received at some time the 'dignitas civitatis': *Saltus Burunitanus*, *saltus Horreorum*, *castellum Cellense*, *burgus Uzinazensium*.

(2) In *Germany* two imperial Saltus are described as 'civitates'. *Saltus Sumelocennensis*, Wilmanns 2250, 2251 'in honorem domus divinae ex decreto ordinis saltus Sumelo-

[1] Comp. the language of the imperial rescript (fourth century) granting the 'dignitas civitatis' to Tymandos in Pisidia. Hermes, xxii. 321 'cum itaque ingenitum nobis sit ut per universum orbem nostrum civitatum honor ac numerus augeatur'.

[2] Kuhn, Verf. d. röm. Reichs, ii. 240. The essential consequence from the government point of view of the grant of 'dignitas civitatis' was the constitution of an 'ordo' of 'decuriones' on whose shoulders should rest the administrative burdens. See the Tymandos inscription referred to above.

cennensis'. *Saltus Taunensis*, Wilmanns 2272 'in h. d(omus) d(ivinae) . . . c(ivitas) s(altus) T(aunensis)'. [See above, p. 196.]

(3) In *Italy*. *Vicus Augustanus* (replaced Laurentum, C. I. L. xiv, p. 183). The *respublica Lavicanorum Quintanensium* (C. I. L. xiv. 2770), which replaced the extinct Labici, grew up on the imperial 'praedia Quintanensia' (ibid. xiv. 4090).[1] *Lorium*, the estate of M. Aurelius, had the status of a colony in the fourth century (Wilmanns 2596). *Albano*, which was imperial property at least as early as Domitian, appears as a 'civitas' in the fourth century; see Liber Pontificalis (ed. Duchesne, pp. 174 sqq.). It is also possible that the reappearance as 'civitates' of Veii in the third century (Wilmanns 2080), and of Bovillae in the second century (C. I. L. xiv. 2409), may be connected with settlements upon the imperial estates there.

(4) In *Thracian Chersonese* an inscription at *Coela* records a gift made as early as 55 A. D. 'populo (= colonis) et familiai Caesaris'. *Coela* figures later as 'municipium Aelium' (C. I. L. iii. 7380).

(5) In *Asia Minor*. *Ormeleis*, 'coloni' of an imperial estate in 218–221 A. D. (see supra, p. 288). Hierocles gives Κτῆμα Μαξιμιανουπόλεως. The Acta Conciliorum give Maximianopolis. The *Saltus Zaliche* of Hierocles became Leontopolis (Kuhn, Verf. d. röm. Reichs, ii. 250). Prof. Ramsay has identified the Phrygian Augustopolis of the Acta Conciliorum (fifth century) with *θεία κώμη* = 'vicus divinus', and the Χωρία Πατριμόνια (Caria) of Hierocles with Phylakaion. Other instances are *Mesanakta* in Phrygia, and *Bindeos* (= Endoxioupolis or Theodosioupolis) in Pisidia.[2]

[1] [See above, p. 273.]

[2] [Hist. Geography of Asia Minor (Royal Geogr. Soc. 1890), pp. 140, 177, 178; cf. p. 449.]

XIV

PASCUA[1]

VARRO[2] assigns a high place to the kind of pastoral farming which he styles 'pastio agrestis'. It was in his day 'nota et nobilis', and a source of great wealth. He carefully distinguishes this cattle-farming on a large scale from the more primitive pastoral farming which went hand in hand with agriculture. The 'pastio agrestis' was an independent branch of industry, involving large herds and flocks, summer and winter pastures, and a special organization. This wholesale cattle-farming, of which traces are found as early as the time of the Licinian Rogations, has continued down to our own time and has throughout played an important part in the economic and even in the political history of Italy. It may therefore be of interest to put together here some account of it.

The system implied not only considerable capital but the use of extensive grazing grounds. It also implied, owing to the nature of the Italian climate, the use of highland and lowland grounds as summer and winter pastures respectively, a condition easily satisfied in nearly all parts of the peninsula. We may therefore safely assume that it was not until Rome had extended her rule considerably beyond the narrow limits of the primitive 'ager Romanus' that her citizens developed this form of industry. We must look for its beginnings to the time when the wealthier citizens, enriched mainly by war, were creating large private estates by the

[1] [Written probably about 1885, unpublished.]

[2] R. R. iii. 1. 8 'altera est villatica pastio, altera agrestis. Haec nota et nobilis, quod et pecuaria appellatur, et multum homines locupletes ob eam rem aut conductos aut emptos habent saltus. Altera villatica, quod humilis videtur, a quibusdam adiecta ad agri culturam', etc.

absorption of smaller holdings, and to a greater extent still were commencing to monopolize for their own benefit the wide tracts which conquest added to the 'public lands' of the state and in particular those which as 'loca aspera' were eminently fitted for summer pasturage, though unsuitable for allotment.

It is naturally through these 'pascua publica' ('censorum pascua') that this pastoral farming first finds its way into history. The thirty years which intervened between the capture of Veii and the passing of the Licinian laws had witnessed a rapid extension of Roman power, which the attack of the Gauls checked only for a moment. Unquestionably they had witnessed also a rapid augmentation of the public lands suitable for grazing. At first, if we may believe Ovid, no care was taken by the state to check private encroachments. It became the fashion for private persons to 'feed off the public grazing grounds' without payment. The result was a growing monopoly of these by a rich minority, and this monopoly Licinius attacked. According to Appian (B.C. 1. 8) a clause in his law enacted that no single person should be allowed to turn out upon the public land more than 100 head of large, and 500 head of small, cattle, numbers which clearly point to the prevalence of pastoral farming on a large scale.

With the exception of one or two passages in Livy recording the condemnation of certain cattle-farmers, apparently for a breach of the Licinian law,[1] we have little more information on the subject until we reach the end of the 3rd century B.C. The extensive confiscations which followed the Samnite Wars, the war with Pyrrhus, and the second Punic war, had transferred to Rome the best grazing grounds of Italy, the highland and woodland summer pastures of the Central and Southern Apennines, and the lowland winter pastures of Apulia and Calabria. The result was evidently a marked development of pastoral farming, especially in

[1] 10. 23. 47 'damnatis pecuariis', 296–293 B.C.

South Italy. In 196 the 'aediles plebis' brought to trial before the people 'multos pecuarios', and the same happened in 193.[1] The slaves who rose in arms near Norba and Circeii in 198 and in Etruria in 196[2] not improbably belonged to that turbulent class of herdsmen-slaves, so long a danger to the tranquillity of Italy, which owed its rise to the necessities of wholesale cattle-farming. In 185 Apulia and Calabria were the scene of a servile insurrection which clearly proves the wide extension of the system. The insurgents were herdsmen-slaves, 'pastores' who infested the roads and the 'pascua publica'. Of their numbers some idea may be formed from the fact that 7,000 were condemned by the praetor in charge of the district.[3] It is not impossible also that the practice which prevailed from 192–181 of stationing a Roman magistrate in South Italy may have been partly due to the necessity of maintaining order in these pastoral districts and of guarding the public grazing-grounds against private encroachment.

How far the agrarian legislation which was carried between 133–111 touched the system is not clear. Such grazing-grounds as were private property were certainly left alone. As regards those which were public, it must be remembered that the highland summer pastures were not suitable for allotment, and were probably therefore left untouched except in so far as the Sempronian Commission may have recovered portions of them from private hands. The lowland winter pastures on the contrary, for example in Puglia piana or Calabria, offered a fair field for allotment, nor in these cases did arable farming in the summer exclude the use of the land for grazing in the winter. Of these, then, it is likely that a considerable extent was broken up for agriculture or at least marked out for assignation by the Sempronian laws. Popillius Laenas claims[4] to have caused

[1] Livy 33. 42, 35. 10. [2] Livy 32. 26, 33. 36. [3] Livy 39. 29.

[4] C. I. L. x. 6950, [Dessau 23] 'primus fecei ut de agro poplico aratoribus cederent paastores', apparently in B.C. 132.

the 'pastores' to give way to the 'aratores' in South Italy. In the 'Liber Coloniarum' the references to the 'lex Sempronia' and to the 'limites Graccani' in Apulia and Calabria point to the same conclusion.[1] Probably, however, while the highland 'pascua publica' were left untouched, a great deal even of those in the lowlands which had been dealt with by the law was either never broken up, or before long was allowed to revert to its former condition. That the 'pascua publica' were in question at the time of the Thorian law in 119 is a possible inference from the complaints then made in the senate of private encroachment.[2] In what remains of the law of 111 B.C. there is one reference to an essential feature in the wholesale system of cattle-farming, the provision, namely, of free roadside pasture for flocks and herds on their long marches from the lowland to the highland pastures. Of the other 'pasture lands' mentioned in the law, neither the 'agri compascui' nor the open 'pascua', on which any one might turn out a limited number of cattle, free of charge, have any connexion with the system which we are considering. It is possible, however, (1) that 'pascua publica' held in occupation by 'privati' were after this law not only declared to be private property, but freed from the dues to the state imposed by the Thorian law, and (2) that among the lands reserved by this law to the state were large tracts of 'pascua publica' ('censorum pascua'), on which 'scriptura' was still to be paid. These last would be the public grazing-grounds mentioned by later authors.

But it is half a century later, when we reach the age of Cicero and Varro, that we get our fullest information as to the extent and working of the system. The proscriptions and confiscations of Sulla had not only stimulated the growth of private 'latifundia', but had added largely to the existing 'agri publici' of the state, especially in the highland pastoral districts of Samnium and Lucania, and

[1] Lachmann, Agrim. p. 260.

[2] Cicero, De Orat. ii. 70.

that a powerful impulse was thus given to cattle-farming on the largest scale is undeniable.

The animals farmed under this system were in South Italy especially sheep, horses, mules and asses, the district of Reate being apparently a chief centre of this branch of the business, and finally oxen, the herds varying in number from 500 up to 1,000. The grazing-grounds were for the summer-time found in the highland districts, in the mountain slopes, glens, and woodlands—'saltus aestivi,' 'silvae,' 'montes'—e. g. in the hills around Reate, in Picenum, in the Sabine mountains, in Samnium and Lucania, and on Mount Garganus. As winter-grounds, 'saltus hiberni,' 'pascua hiberna,' the best known were the 'campi Rosei' near Reate, the lowlands round Metapontum, and those of Calabria and Apulia. In many cases the winter-grazing in these districts was found upon farms which were under cultivation during the summer. In August the parched stubble and herbage was burnt, to improve the growth of the fresh vegetation which sprung up after the autumn rains. Silius Italicus (7. 365) describes the herdsman watching from the summer grazing-grounds on Mount Garganus the fires which were preparing the lowland 'saltus' of Calabria for their winter use.

These winter and summer 'saltus' were in some cases owned by the cattle-farmers themselves, and rich men bought up large tracts for grazing purposes. In others the 'saltus' were hired, either from private owners, or more commonly probably from the state. Grazing-grounds belonging to the state are mentioned near Tarentum, and in Puglia piana, in Picenum, and in Samnium. So far as can be made out,[1] the 'usus' of these 'saltus publici' in Varro's time was leased by the censors to 'publicani', who in turn let them out to the cattle-farmers. The latter made a statement to the 'publicanus' of the number of head of cattle they intended to turn out—a number determined by the extent

[1] Varro R. R. 2. 1. 16.

of the particular 'saltus'—and paid also the 'scriptura' or poll-tax on each animal. It is possible that, as was the case in later times, there may have been regular 'stationes', bureaux (dogane), at which these arrangements were concluded. That the cattle-farmer hired a definite extent of grazing-ground, to be reserved for his own herds, seems to follow from Varro's language.[1] And, if this was so, the state no doubt abstained from limiting the number of head which any single person might turn out, leaving this to be determined by the length of his purse and the extent of the 'saltus'. Such a limitation as that imposed by the Licinian law would only be necessary where the grazing-ground was open in common to all comers, and where it was consequently necessary to prevent a few from excluding the rest. It is only in connexion with the open pastures or with the 'agri compascui' that any such limitation appears in the agrarian law of 111 B.C. The general limit fixed by the Lex Licinia may, as Voigt[2] thinks, be due to the fact that the practice of leasing definite areas had not then come into vogue.

Another characteristic feature of the system is found in the 'calles', 'routes' or 'tracks' connecting the winter and summer 'saltus'.[3] Such 'tracks' ran from Apulia to Reate, to the Sabine hills and to Samnium, and from Calabria to Lucania. They are styled 'public', and the state exercised supervision over them in the interests alike of the graziers and of the tranquillity of the districts through which the herdsmen led their cattle. The Lex Agraria (111 B.C.) granted free roadside pasturage for flocks and herds on the march along them. The charge of the 'calles' and the 'silvae', the woodland mountain pastures, was apparently committed, occasionally at any rate, to a government official. From 192–181 they were probably under the care of the

[1] Disputes as to boundaries, Lachmann's Agrim. 1, p. 44, and perhaps Cic. Cluent. 161.

[2] [Abh. der k. sächs. Gesellschaft der Wissenschaften xxiii, 239, 253.]

[3] Livy 22. 14; Cicero, Cluent. 59; Varro, R. R. 2. 2. 10; 3. 17. 9.

praetor stationed in South Italy. In 59 B. C. it was proposed[1] to thwart Caesar's ambitious schemes by assigning him as his province the 'silvae callesque'. In the reign of Tiberius a revolt of the 'agrestia servitia per longinquos saltus', i.e. on the grazing-grounds overlooking the lowlands of Apulia and Calabria, was suppressed by the quaestor 'cui provincia vetere ex more calles evenerant'.[2]

Not less characteristic a part of the system were the herdsmen, 'pastores.' These, in spite of laws requiring that a certain proportion of 'ingenui' should be employed, seem to have been nearly all slaves, Gauls being preferred for the work, according to Varro.[3] The master herdsman, 'magister pecoris,' was expected to have sufficient education to read and write, to be able to keep the accounts correctly, and conduct the bargain with the 'publicanus'. For the rest, courage and activity were the main qualifications. Armed and mounted, they led the herds along the 'calles', carrying with them on sumpter mules, at least when moving to the highland 'saltus', the hurdles for folding the sheep and other necessaries, and accompanied by their women and dogs. Once on the uplands, their only shelter was afforded by rude temporary huts, 'casae repentinae,' as Varro calls them, resembling, probably, those now to be seen dotting the lonely expanse of the Latin Campagna. From the time of the Punic wars onwards these armed herdsmen constituted a standing danger. In addition to the brigandage which they habitually practised on their own account, they were ready at any moment either to assist an employer in any act of violence and aggression or to rally to the standard of a political adventurer. They joined Spartacus in 73. Catiline looked to them for help ten years later, and in 48 Caelius Rufus after the failure of his attempt at 'novae tabulae' in Rome fled southward 'ad sollicitandos pastores'. Clodius, as Cicero tells us, used them to harry the 'silvas publicas', i.e. the highland grazing-grounds,

[1] [Suet. Caes. 19.]

[2] Tac. Ann. 4. 27, [see above, p. 157.]

[3] R. R. 2. 10. 4.

and even to make raids upon the lowlands of Southern Etruria. Cicero in the Pro Tullio (69 B. C.) graphically describes the dangers to which the more remote country districts were exposed from these ancient brigands. The excesses of the 'familiae armatae in agris longinquis et pascuis' had already rendered special legislation necessary, and Cicero's client Tullius was himself forcibly evicted by one of these bands of armed slaves, employed by an unscrupulous neighbour and grazier. That the evil survived even the precautions taken by Augustus to ensure order, is proved by the servile insurrection in Calabria during the reign of Tiberius (Tac. Ann. 4. 27) and by the charge brought against Lepida in 54 A.D. 'quod parum coercitis per Calabriam servorum agminibus, pacem Italiae turbaret' (Ann. 12. 65).

Of the continuance of the system under the empire there is sufficient evidence in the references to it, direct or indirect, in the literature, in the law-books, and on the inscriptions. So far, however, as the 'pascua publica' were concerned, a change took place in the mode of dealing with them, probably in the time of Hadrian. The 'publicani' disappear and the grazing-grounds were placed under the care of imperial procurators by whom they were leased out to individual 'conductores'. To the reign of Marcus Aurelius belongs an inscription of considerable interest.[1] It is still *in situ* at Altilia, the ancient Saepinum in Samnium, beside the gate leading out to Bovianum, through which still runs the 'track' along which now, as centuries ago, the herdsmen lead their flocks from Apulia to the Samnite highlands. In substance it is a letter addressed by the 'praefecti praetorio' to the magistrates of Saepinum, giving a copy of one addressed to themselves by Cosmus, 'libertus a rationibus' to the emperor, and of another addressed to Cosmus by his colleague Septimianus. It appears from the contents of the last that the emperor himself maintained flocks of sheep, 'oves dominicae,' which were let out to 'conductores', the manage-

[1] C. I. L. ix. 2438.

ment of the business being part of the duty of the 'libertus a rationibus' and his subordinates. The winter pastures of these flocks were probably in the imperial grazing-grounds in Apulia. For the summer they moved to Samnium, following the 'calles' through Saepinum and Bovianum. The 'conductores' complained of the treatment they received on the route from the magistrates and gendarmerie of these towns, who apparently arrested the herdsmen on the pretext that they were runaway slaves, impounded their sumpter mules as stolen animals, and even seized the imperial sheep themselves. The magistrates are now warned to desist from these practices.

It is clear from this inscription that much of the old system of grazing as described by Varro survived. We have still the 'calles', the herdsmen-slaves, and the baggage train of mules. But the 'publicani' are gone. The 'saltus' are under the care of the 'libertus a rationibus', who had charge, even in the time of Statius, of the 'pecuaria culta Galaesi',[1] and we now hear for the first time of the 'grex dominica'.

Such later notices as we get of the system under the later empire indicate little further change. The inscriptions, the Notitia Dignitatum, and the Varia of Cassiodorus, prove its continued existence in connexion with the extensive imperial domains in the old pastoral districts of Southern Italy, and one or two of these notices deserve especial mention. In the Codex Theodosianus (vii. 7: Cod. Iust. xi. 60) we have two 'Constitutiones' of Valens and Valentinian, dated one from Rome on Jan. 28, 365 A.D., the other from Luceria on September 23 of the same year. From these we learn that (1) there was a fixed charge ('pensio') payable for the privilege of grazing upon the imperial grounds ('pascua et saltus rei privatae'); (2) that this charge had been increased in amount by the local authorities, i.e. that private persons competing for the privilege had run up the price; (3) that the result was the exclusion of the imperial flocks themselves from these

[1] Statius, Silvae, 3. 3. 93.

grounds. How this result had followed is not quite clear. Apparently the private 'conductor', by paying a higher price, endeavoured to secure for himself the sole use of the grazing-ground to the exclusion of the 'grex dominica'. The emperors in consequence order that no such increase of the customary 'pensio' shall be allowed and that no such exclusive rights shall be thereby created.

The 'Constitutio' seems to imply that private graziers found a difficulty in securing pasture grounds, that consequently the competition for the right of using those belonging to the emperor was keen, and that, whereas the latter were properly only available so far as there was ground to be had beyond what the imperial flocks required and on payment of a fixed sum, an illegal arrangement had been made by which the local authorities granted the exclusive use of a 'saltus', in consideration of a larger payment—an arrangement which told hardly against the imperial flocks and those who had hired them, counting on the use of the imperial 'saltus'. If this explanation is correct, we have a good illustration of the extent to which the 'Fiscus' in the later days of the empire monopolized the sources of wealth and of the difficulties thus placed in the way of private enterprise. Of the wide extent of the fiscal property in Italy in the fourth and fifth centuries the exceptional number of fiscal procurators and 'rationales' and of fiscal lessees is sufficient proof.

It is also possible that the implied scarcity of 'pascua' may have been partly due to the conversion of much of the lowland pasture in Apulia and Calabria into arable land. That in the fifth century Apulia and Calabria grew large quantities of wheat is clear from Cassiodorus, and the fact may be explained by the increasingly uncertain character of the corn-supply sent to Italy from abroad.

We pass next to an inscription belonging probably to the time of Cassiodorus.[1] It is stated to come from near Termoli (Buca, at the Northern extremity of the lowlands of

[1] Mommsen, I. R. N. 5237, [C. I. L. ix. 2826. It is now lost.]

Apulia), by which town there still passes one of the drove roads or 'tratturi' leading to and from the Samnite highlands. It contains an edict issued 'cancellarii nostri auctoritate' and directed against lessees of the (?) kingly 'saltus' who either when moving their flocks followed routes of their own, instead of keeping to the authorized line ('regalis transitus, designati et stationales calles'), and halted for grazing in places where they had no right to do so, or who increased their flocks beyond the number they had declared and probably paid for to the royal officials, thus at once inflicting damage on the public, and defrauding the exchequer. The importance of confining these migratory herds and their turbulent attendants to the regular 'calles' is obvious and had probably been long recognized. The grazing of cattle for which no 'professio' had been made was a recognized offence in the time of Varro.[1]

From a later age, the twelfth century, dates a notice by Odofredus of Beneventum of the system as it prevailed in the 'kingdom of Apulia' in his own day.[2] The notice occurs as a comment on the Constitution of Valens and Valentinian mentioned above (p. 308) dealing with the raising of the price paid for grazing on the 'saltus rei privatae'. Odofredus compares the custom prevalent 'in regno Apuliae'. The shepherds from the highland districts lead down their flocks 'ad alias contratas', i.e. to the lowlands. In accordance with an ancient custom, the shepherd on entering the territory pays a fixed sum 'balivo civitatis qui est ibi loco regis Apuliae'; this sum was illegally increased, the 'balivus' promising the shepherd exclusive enjoyment of the 'pascua', and the shepherd paying in return a higher price. This substitution of a competitive for a customary rent Odofredus compares with the practice against which the Constitution is directed. It further appears from his language that the Norman rulers

[1] [R. R. 2. 1. 16.]

[2] ['Odofredi super tribus libris Codicis praelectiones' (usually included in his Commentaria, vol. iv), Lugduni, 1550, fo. 60 a.]

of Apulia had, like the Gothic king before them, entered into the inheritance of the emperors and claimed as crown-lands the extensive 'agri fiscales' in the Apulian lowlands.

The system as revised by Alfonso of Aragon is described by Swinburne[1] and Craven.[2] The lessees of the Crown lands in Apulia were bound to let them out during the winter to pasture, and other lands were leased from private persons for the purpose. The 'tratturi', or drove roads, sixty paces wide, were kept in order by the Crown, and the flocks were allowed, just as by the law of 111 B.C., free grazing on the route. A toll was collected at Foggia. By Ferdinand I the Crown lessees were bound to let for pasture only one third of their lands. The sheepowners are, as Odofredus implies, Abruzzesi.

Craven's description[3] of the system as he saw it recalls the earlier accounts. We have the attendant shepherds and dogs, the mounted 'fattore' or 'magister pecoris', the train of mules laden with the hurdles, tents, and provisions, the wide 'tratturi' starting now, as then, from Puglia piana, some branching off towards the Matese by Sepino, others following the coast northwards to Termoli.

[1] [Travels in the Two Sicilies, i. 141 foll.]
[2] [Excursions in the Abruzzi, i. 266 foll.]
[3] [Ibid. pp. 259 foll.]

XV

PAGUS[1]

I PROPOSE to deal in this paper with an institution of the old Italic peoples, which, like most institutions connected with the land and with the life of the people, shows a tenacity of existence far greater than that exhibited by most official systems of arrangements. Tradition carries the 'pagi' back to prehistoric times in Italy, and traces of their ancient boundaries are said to survive here and there, and in some cases to coincide with existing divisions.

Without going at length into the original constitution of the 'pagus', it is necessary to state shortly what seems to have been its function in primitive days. We may with something like certainty regard the 'pagus' as the normal working subdivision of the territory of an Italic 'populus' in days before cities and city territories existed. As such, it corresponds well enough to the Teutonic 'mark', and to the similar subdivision existing among the Celtic tribes, to both of which divisions the name 'pagus' itself was transferred by the Romans. As in their case, too, it is very possible that the territorial division of the 'pagus' coincided with the clan or tribe divisions of the people, so that the dwellers in a 'pagus' were closely connected by clan or tribal kinship. Lastly, like its Teutonic and Celtic analogues, the Italian 'pagus' was organized as a self-governing community. It had its own lands, its own headmen and laws and assemblies, its own worships and temples; it sent its contingent to the host of the 'populus' and possibly its delegates to the popular 'concilia'.[2]

But it is not with the 'pagus' in its primitive and natural state that we are concerned, but with the 'pagus' as we find

[1] [A paper read to the Oxford Philological Society, May 23, 1879, and rewritten for the Oxford Ancient History Society, Oct. 22, 1884.]

[2] Dionysius Halic. iv. 15. 3 indicates levies by 'pagi'.

it under the later Republic and Empire, a survival of ancient times in the midst of a wholly new order of things.

It is clear that by the close of the Punic wars, the earliest period for which we have contemporary evidence about the institution, it had gradually lost its political significance and importance, as the political system of Italy had altered. The disintegration and decay of the old separate 'populi' which proceeded with increased rapidity after the Hannibalic war necessarily robbed the 'pagi' of much of their importance. The spread of the system of arrangement by cities and city territories assisted to throw the 'pagus' further into the background. The old semi-independent country districts became merely appendages to these new centres. The new territorial divisions superseded the old ones, and in many cases a 'pagus' was rudely cut in two, and divided between two district 'civitates'. This gradual effacement of the 'pagus' as an integral part of the political organization of Italy was materially aided by the spread of Roman rule. Within the Ager Romanus itself the tribe superseded the 'pagus' as the basis of administration. In two cases we are expressly told that the tribe took the place of an older 'pagus'. The 'tribus Suburana' succeeded to the 'pagus Sucusanus' and the 'tribus Lemonia' to a 'pagus Lemonius'.[1] It is now generally recognized that each 'tribus rustica,' at its first formation, represented literally a coherent tract of territory, and within its boundaries it became the recognized administrative division for such purposes as the registration of land at census, the raising of the 'tributum' or the levying of troops. It was only towards the close of the Republic and under the Empire, when the tribes had lost all territorial significance, that, as we shall see, the 'pagi' were brought out of their obscurity, and utilized by the Roman government. Roman colonization and Roman allotments of land must also have contributed to the decline of the 'pagus'. The boundaries marked out for the territory

[1] Festus, pp. 302, 309, 115; [Varro, L. L. 5. 48; Mommsen, Staatsrecht, iii. 114, 170.]

of a colony often cut across the older ones; of this the 'Tabulae Alimentariae' supply us with several instances. The boundaries of the 'Colonia Ligurum Baebianorum', founded in 182 B.C., split in two more than one of the 'pagi' of the old Samnite 'populus' of the Taurasini which had become Roman 'ager publicus'. The 'pagus Aequanus', for instance, lies partly in the territory of that colony, partly in that of the colony of Beneventum.[1] So in Northern Italy the table of Veleia[2] shows us the divisions of pre-existing Celtic 'pagi' running constantly counter to the later Roman boundaries. One 'pagus' lies in the territories of Luca and of Placentia, another in that of Veleia and Placentia. In the allotments of land, the internal unity of the 'pagus' was apparently as little respected: we have single farms belonging to two different 'pagi'. Moreover, not only must the introduction of a body of new proprietors, strangers to each other and to the dwellers in the 'pagus', have been a serious blow to its solidarity, but further new administrative centres developed in connexion with these Roman intruders. The 'fora' plentifully scattered over Italy are so many centres for administrative purposes connected with detached bodies of Roman settlers. These 'fora' appear in connexion with the Roman levy as early as the second Punic war, though then the 'pagi' are mentioned side by side with them. By the time of the Empire many of them had grown into towns, acquired municipal rights, and possessed a regular 'territorium'. A very significant proof of the manner in which Roman rule thrust the 'pagus' into the background is supplied by the Lex Rubria (49 B.C.) and the Lex Iulia Municipalis of 45 B.C. In them we have mentioned as administrative centres 'oppida', 'municipia', 'coloniae', 'praefecturae', 'fora', and even 'vici' and 'castella', but no 'pagi'. Once more, though the 'pagus' must originally have owned lands, and though Henzen[3] detects traces of 'agri pagani' in the 'Tabula Baebiana', the 'Lex Agraria' of 111 B.C. mentions

[1] [C. I. L. ix. 1455.] [2] [C. I. L. xi. 1147.]

[3] [Annali dell' Instit. di corrisp. arch. xvi. (1844) 76.]

only 'urbes', 'oppida', and 'vici', as owners, and in Frontinus's list of owners of land in Italy[1] the 'pagus' is similarly omitted.

Viewed then from the outside, the 'pagus' by the end of the Republic has lost all 'dignitas civitatis', to use the phrase of Isidore.[2] It is overlaid by newer territorial arrangements, and its place in the administrative system and the political organization of Italy is taken by newer urban centres.

But the 'pagus' was by no means dead. Even in Rome traces of 'pagi' are found in the last century of the Republic. Cicero[3] alludes to 'pagi' and 'pagani' in Rome, though only as connected with the 'plebs urbana'. On the outskirts of the city outside the bounds of the four city tribes, inscriptions reveal the existence of two ancient 'pagi' on the Janiculum and the Aventine, which in the last century of the Republic still elected their annual headmen, 'magistri,' still held meetings and passed decrees and erected common buildings for their common worships and banquets, and their local assemblies. But, as we should naturally expect, the traces of the 'pagus' are clearest in those parts of Italy where the new urban system was least diffused, where the old 'populi' still retained something like a separate existence, and some common tribal feeling, and where Roman rule was least deeply rooted. To the Umbrian Propertius, and to Horace in the Sabine hills the 'pagus' is evidently a prominent factor in the life of the country-side. Horace speaks with affection of Mandela, the 'rugosus frigore pagus' in which his farm was situate.[4] The man who planted the tree which nearly killed him[5] did so to the scandal of the 'pagus'. It is with the 'pagus' that the recurring festivals which made up a large part of the country-side life are associated, the solemn purification of the bounds, the blessing of the fields, the thanksgivings and prayers at seed-time and at harvest. It is worthy of notice also that Ovid, to whom we owe a graphic picture[6] of the 'lustratio pagi', came from Sulmo, in the territory of the Paeligni,

[1] Lachmann, Agrim. i, p. 163. [2] [15. 2. 11.] [3] De Domo Sua, 74.
[4] [Epist. 1. 18. 105.] [5] [Od. 2. 13. 4.] [6] [Fasti, 1. 669.]

a 'populus' which preserved something of a distinct existence later than almost any other in Italy, and that it is in this same district that most of the Republican inscriptions referring to the 'pagus' have been found. Another important group of inscriptions are those belonging to the territory of Capua, and these again are significant of the position of the 'pagus' some ten or twenty years before the Social War. We know that the territory of Capua was, as it were, decentralized after the second Punic war by the decree which deprived Capua of all civic existence and made it simply a 'receptaculum aratorum'. One result seems to have been, as Mommsen has pointed out, that the old pre-urban 'pagi' at once came into renewed prominence. We find a cluster of 'pagi', the name of one being Oscan (Herculaneus), with a common tutelary deity in Iuppiter Compagus and a regular system of communal administration.[1]

But these references to the 'pagus' at the close of the Republic, though they prove its vitality, prove also that its position was much altered. In the first place, they show clearly that it retained connexion only with the social and religious life and the agricultural pursuits of the country folk. We hear still of 'magistri', of assemblies, and decrees, of a common treasury, but they are concerned entirely with non-political and purely local matters. Secondly, there are indications of the influence of the changed society and economic conditions of Italy. The old self-governing community of free men, cultivating jointly the lands of the 'pagus', and united by kinship and common interests and undivided by social distinctions, has disappeared. What Cicero says of the 'pagi' in Rome applies to 'pagi' in the country. To a great extent the upper and wealthier classes had drawn apart from the life of the country. They dwelt in the towns, or in their large villas. Everywhere 'latifundia' were spreading; and the

[1] [See Mommsen, C. I. L. i, p. 159 and x, p. 367, and for the pagus Herculaneus C. I. L. x. 3772, Dessau, 6302; B. C. 94.] Compare Iuppiter Paganicus in Umbria, Orelli 1250.

population of the countryside was increasingly largely composed of slaves, freedmen, and the small free tenants, 'coloni,' on the large estates. It is to them, and no longer to their superiors, that the 'pagus' really belongs. It is the 'coloni' in Ovid who perform the 'lustratio pagi'. The 'pagani' of Campania are described by Cicero as a 'plebs modestissima'.

Under the Empire these changes are continued and completed. The 'pagus' now stands out definitely as an institution which relates almost exclusively to the tenants, free and half free, on the large estates, the freedmen and slaves of the large owners. In one respect, indeed, it so far regained lost ground as to obtain formal recognition from the Imperial Government. This it probably owed in part to the impossibility of any longer using the 'tribe' as an administrative division. Early in the Empire we find not only Italy but the Western provinces parcelled out systematically into 'civitates', each with something of an urban centre, and a territory the subdivisions of which are 'pagi', and it seems that both in Cisalpine Gaul and in Gaul across the Alps the existing Celtic divisions were taken and rechristened with the Italian name. In three cases under the Empire the 'pagus' as a subdivision of the 'territorium' of a 'civitas' was used by the Imperial administrators. A man and his land were registered at the census[1] by the 'pagus' as well as by the 'civitas'. Some of the various 'munera' to be performed by the members of a 'civitas' were contracted for 'pagatim'.[2] Thirdly, to the 'magistri pagorum' was entrusted the duty of keeping in repair the byroads in each 'pagus', the occupiers of land being required to supply the necessary labour.[3]

Of the general internal condition and aspect of the 'pagus' we have evidence both in inscriptions and in literature. First

[1] [Ulpian, Dig. 50. 15. 4 'nomen cuiusque, et in qua civitate et in quo pago sit.' So actually in the Alimentary Tables, C. I. L. ix. 1455, xi. 1147.]

[2] [Siculus Flaccus in Lachmann's Agrim. i. 165, Cod. Theod. vii. 4. 1.]

[3] [Siculus Flaccus, i. 146.]

in importance stand the Alimentary Tables already alluded to, lists of lands charged with payments for alimentary institutions. They belong partly to Veleia in North Italy and partly to Beneventum or rather the district of the Ligures Baebiani in Samnium. The Baebian Table gives the names of eighteen 'pagi', of which eleven belong to the territory of the Ligures and seven to that of Beneventum. The Table of Veleia gives ten or eleven more. These numbers, which possibly do not represent the entire number of 'pagi' in each of the districts concerned, sufficiently indicate the small size of the Italian 'pagi', as compared, for instance, with those of Helvetia, and agree well with what we can infer from other evidence as to the comparative smallness of Italic tribal groups.[1] The names themselves of the 'pagi' are in some cases evidently old. In the Baebian Table we get such Oscan looking names as Meflanus, Horticulanus, Herculaneus (which recurs in Campania), Aequanus (Aequana iuga, Campania), while others are more probably later and Roman, such as Martialis or Salutaris. In the Veleian Table the paucity of clearly Celtic names may be explained by the fact that, when the old Celtic divisions were made into Italian 'pagi', new names were given, and these were taken, some from deities, Minervius, Junonius, Venerius, while others, such as Domitius, are derived from leading Romans connected with the Roman settlement. One, Ambitrebius, is plainly geographical. That in both Veleia and Samnium the 'pagi' represent an older division than the Roman, is illustrated by the manner in which they are cut in two.

There are also some points of interest to be noticed in the description of the lands which are charged with the charitable payments. The names of the 'fundi' seem to go back to the original allotment and give usually the gentile names of the allottees, 'fundi Manliani,' 'fundus Terentianus,' etc. It is

[1] Such evidence, I mean, as the catalogues of Pliny. E. g. the number of distinct 'populi' in Latium and the CXII tribes of the Boii in Cisalpine Gaul. [N. H. iii. 68 foll., 116.]

clear that in the allotment of the 'fundi', as well as in the division of 'territoria', the unit of the 'pagus' was disregarded. Thus there are several instances in which one 'fundus' is in two 'pagi'. We may notice a second point. Both at Veleia and in Samnium there were resettlements and rearrangements of 'territoria', but the original 'fundi' remained intact as single holdings. Thus we find a 'fundus' lying in one 'pagus' but in two 'territoria', and in another two 'pagi' and two 'territoria'.

Thirdly, we can gather some notion of the distribution of landed property, as it was at the time of the early Roman allotment and as it was in the time of Trajan. In the Tabula Baebiana the names of ninety separate 'fundi' are recorded; of these forty-five were still in Trajan's time so far distinct holdings that they are valued and assessed separately. In the other cases, groups of two, three, and four 'fundi' seem at some period before Trajan to have been thrown together into larger farms. Mommsen[1] has made an ingenious attempt to estimate the actual size of the original 'fundi'. He takes Columella's valuation of an acre of arable land at 1,000 sesterces and endeavours to translate into acres the valuation in sesterces of the 'fundi' as given in the Tables. In the Tabula Baebiana we find that, of the 45 'fundi' valued singly, 42 are lower than 100,000 sesterces, that is, less than 100 acres, and 27 lower than 50,000 sesterces or 50 acres, while two are as low as 14,000 or 14 acres. So again in the cases of two 'fundi' thrown together the highest equals 130 acres and the lowest 24 acres, while the cases of three combined 'fundi' run from 200 acres to 100 and those of four combined 'fundi' from 150 acres to 109. We thus get, to start with, a system of comparatively small holdings. On the other hand, many of these 'fundi' are concentrated in the hands of single owners. A certain Cn. Marcius Rufinus possesses eleven 'fundi', with a total acreage of 460 acres, and this probably represents only a portion of his estate. Again, one Annus Rufus has 450 acres and the whole 90 'fundi'

[1] [Hermes, ix. 398, Gesammelte Schriften, 5. 128.]

are held by 50 owners. But, though there is this amount of concentration, the state of things differs from the typical 'latifundia' in two points. Even the largest estates are small as compared with the vast stretches of land owned by single men in the pastures of Apulia, or in Africa, a difference due in part to the nature of country which is well suited for 'petite culture'. Secondly, we have not single estates worked on a wholesale scale by large gangs of slaves, but estates subdivided into comparatively small holdings, tenanted no doubt by 'coloni', still free, the men who really constitute the community of the 'pagus'. The Table of Veleia shows in the main the same results. It must be remembered, however, that with the 'fundi' went in many cases the hill pastures ('saltus') and woods, and often 'pascua communia', just as with 'fundi' in the Campanian plain went shares in the woods of the Massic hills; it is a lingering trace of the old system of common ownership in woodlands and pasture and waste.[1] Lastly, we may note in the Tabula Baebiana the names of proprietors which show a persistence of the Oscan element alongside of strictly Roman names, Neratii, Nonii, Gavii, Arellii, Vibbii, Vedii, Satrii.

I may mention here some other facts in the life of the 'pagus' which are known to us. The Agrimensores call attention repeatedly to the archaic character of the boundaries of the 'pagus'. With their statements we may compare an inscription of the time of the Empire, found at Beneventum and relating to a 'pagus Lucul[lensis]', which illustrates the importance attached to the ceremony called 'lustratio finium'. The prefect of an auxiliary cohort and his father, an 'Augustalis' and presumably a freedman, erected a colonnade and a crossway shrine and left a sum of money to the 'pagani' to provide a banquet, on condition that they held each June a 'lustratio finium' of the 'pagus'.[2] Belonging to the same class of benefactors is the veteran who leaves money to a

[1] See the Sententia Minuciorum, C. I. L. v. 7749.

[2] C. I. L. ix. 1618, [Dessau 6507.] The father was AVG· II· QVINQ.

'pagus' near Asolo in North Italy for the decoration of his tomb by the 'pagani'.[1] Yet another inscription indicates the relation of a leading citizen of the central city to the 'pagani'. C. Sapronius Secundus, aedile and senator of Beneventum, and the 'patronus' and 'curator' of the 'pagus Veianus', erected 'triclinia', probably at the common hall of the 'pagus', and gave a banquet at their dedication.[2] So Q. Varius Geminus, described as the first Paelignian to be senator at Rome, and 'patronus' of Superaequum in the Paelignian Valley, has a well-cut monument set up in his honour by the neighbouring 'pagus Vecellanus'.[3] As a contrast, one of the 'magistri' of a 'pagus' close outside Pompeii is described as a notary, 'scriba'.[4] The life depicted bears out what has been said as to the exclusive connexion of 'pagus' with social, religious, and agricultural matters, and with the small folk in the country. A trace of popular superstition in connexion with it is preserved by Pliny[5]—'pagana lege cavetur' that women walking on the byroads should not twist their spindles or even carry them uncovered. So too, in Cisalpine Gaul the inscriptions show that the worship of old Celtic deities survived in the 'pagi'.

The organization of the 'pagus' remains unchanged except for the occasional appearance of curators and patrons. We still have the two, three, or four annually elected 'magistri', 'aediles', priestess. We hear, too, equally from inscriptions, of the furniture of the central seat, the 'porticus pagana', the 'templa', 'fana', and 'cellae', all, no doubt, of a humble kind; of 'arae paganicae', recalling the 'foci pagani' of Ovid;[6] of the fountain and aqueduct; of the 'ponderarium'; of a sundial with seats round it; of a stage, probably, for open-

[1] C. I. L. v. 2090.

[2] I. R. N. 1487 [=C. I. L. ix. 1503, Dessau 6508], 167 A.D.

[3] [C. I. L. ix. 3305, 3306, Dessau 932.]

[4] [C. I. L. x. 1074 *c*. 'A. Clodius M. f., scriba, magist(er) pag(i) Aug(usti) suburbani', probably dating a few years B.C.]

[5] N. H. 28. 5. 28.

[6] Fasti, 1. 670.

air representations; of a more developed theatre with steps; of an open square for loungers and probably for meetings, and more of the same kind.

Such is the picture we get of the 'pagus' as late as the second century of the empire, and of the communal life which still flourished among the country-folk of Italy under the shadow of imperial rule.

[APPENDIX: THE INDIAN CUSTOMS' HEDGE]

On pp. 201, 202, Mr. Pelham gives a brief account of the Indian Salt or Customs' Hedge. As the Hedge is an interesting and little known parallel to Roman and other frontier devices, I venture to add here a few more details, for which I have to thank the India Office and Sir Alfred Lyall. They throw some light, I think, on the practical working of such a line.

The Inland Customs' Line was established in 1843 and abolished by Lord Lytton in 1878–9. Its length varied much during these thirty-five years. At its greatest, it was 2,472 miles long and employed 12,911 officials: in 1873 it was about 2,000 miles, and in 1878, 1,521 miles long. It stretched in a singularly indirect line across Northern India from the Indus to near a point where the Madras and Bengal boundaries meet, 150 miles from the Gulf of Bengal. As it existed in 1873, it began in the neighbourhood of Peshawar, followed the Indus to Mooltan, thence ran—at first north-east, then south-east and south—near Hissar, Delhi, Agra, Jhansi, Sagar, Mopani, Khandwa, and then, more or less east, by Basim, Khanda and Raipur to near Sambalpur. Not only salt but also sugar paid dues on crossing it. Its officials exercised jurisdiction over a belt of territory ten to fifteen miles wide and examined goods at 'chokis' which alone were open to passage.

The defence of the Line along the Indus for 180 miles or more was left to the river, which thus played the part of the Main on the German Limes. For the rest of its course it was a solid hedge, compared by Grant Duff to the Wall of China. This hedge was in part green—prickly-pear, cactus, thorn and the like—in part dry, and in part mixed green and dry. In a few places, but only in a few, a stone wall was used, and there is mention in one report of a ditch and mound (presumably earthen) in the Hissar division. In 1878 the records give 410 miles of green hedge, 371 miles of dry hedge, 298 of combined green and dry, and only six and one-third miles of stone wall, besides 181 miles of river and 152 miles scheduled simply as 'insufficient'. All along ran a well-made road which was regularly and constantly patrolled, and guard-posts—at one time as many as 1,700—existed for the officials.

The efficiency of the barrier was differently estimated by different Indian officials. The Manual of the Northern India Salt Revenue Department observes generally that 'the supervision was good, smuggling was kept fairly well under control, and to the Customs Officer of the day it appeared that perfection had been wellnigh attained'. It agrees with this that the cost of maintenance is stated to have been slight, since 'the members of the force looked after it and the sale of large wood thinned out of it provided funds for the repairs of tools, &c.' Other accounts are less optimistic. The figures of 1878 show 900 miles of perfect defence, 287 miles of 'good but not sufficient' and 152 'insufficient', besides 181 miles of river. The reports of 1870 indicate a great number of gaps: in one Division there were 'insufficient portions in almost every beat', in the next Division 'the hedge nowhere formed a perfect barrier', and so forth. The dry hedge perished by fire or hurricane: the green hedge suffered from frosts and field rats, and armies of wild cats had to be let loose in one district, and nurseries were needed to grow young cactus plants. On the whole, however, the hedge did its work. It was finally abolished when the export duty on sugar was removed in 1878 and when statesmen like Sir John Strachey, then Financial Member of the Viceroy's Council, realized that the salt tax could be collected in a far better way than by the rough and troublesome expedient of the Hedge.

See Strachey's *India*, pp. 162-4; Grant Duff's *Notes of an Indian Journal*, 1876, p. 71; Indian Inland Customs' Administration Reports, 1870–1, pp. 16, 17, and 1877–8, p. 13; Manual of the Northern India Salt Revenue Department, i. 15. I have tried to get a picture of the Hedge. But it was presumably neither beautiful nor picturesque, and antiquaries had hardly begun to photograph when it was abolished in 1878.

F. H.

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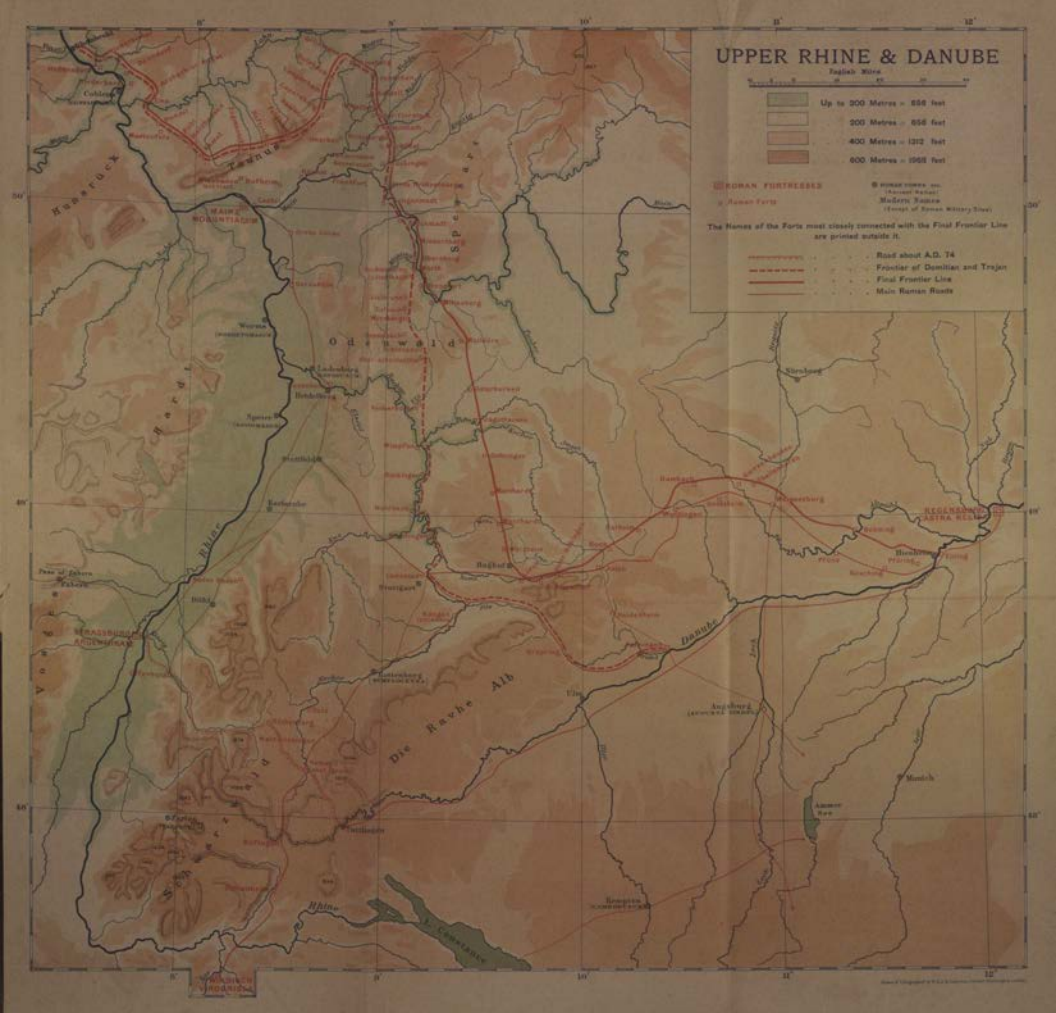
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